PAUL BEFORE CAESAR

IRVING G. RODDY

LIBRARY OF PRINCETON
OCT 8 1936
THEOLOGICAL SEMINARY

BS 2505 .R62 1936
Roddy, Irving Gaines.
Paul before Caesar from the
legal viewpoint

PAUL BEFORE CAESAR

THE author, the Rev. Irving Gaines Roddy, was born at Mount Vernon, New York, and reared in the State of New Jersey. He was baptized into the membership of the Mount Bethel Church, the second oldest Baptist church in New Jersey, founded in 1767. During the World War he was a member of the United States army stationed at Franklin and Marshall College, Lancaster, Pennsylvania. He received his education at New York University, graduating with the degree of Bachelor of Laws. He was admitted to the New York State bar and practised for a time in the courts of New York City. Feeling called to the gospel ministry, Mr. Roddy prepared himself in theology at Gordon College of Theology, Boston, graduating with high honors and the degree of Bachelor of Theology. He has served the Calvary Baptist Church of Worcester, Massachusetts, and is now pastor of the First Baptist Church of Pocatello, Idaho. He is the founder and pastor of the K. S. E. I. Church of the Air, of Idaho, a member of the Tri-State Committee of Baptist work in the area of Montana, Idaho, and Utah, recording secretary of the Idaho Baptist State Convention, and in recent years has served on the Resolutions and Nominating Committees of the Northern Baptist Convention.

PAUL BEFORE CAESAR

FROM THE LEGAL VIEWPOINT

LIBRARY OF PRINCETON
OCT 8 1936
THEOLOGICAL SEMINARY

IRVING GAINES RODDY
Member of the New York Bar

PHILADELPHIA
THE JUDSON PRESS
BOSTON CHICAGO LOS ANGELES
KANSAS CITY SEATTLE TORONTO

Copyright, 1936, by
THE JUDSON PRESS

Published March, 1936

PRINTED IN U. S. A.

To

MY DEAR WIFE

PREFACE

This volume has been prompted by a desire to set forth certain facts concerning the life of the Apostle to the Gentile World. These facts deal with the trials of Paul in the courts of the Roman Empire. That we might appreciate the significance of certain events in the life of Paul, these facts must be clearly understood. It has been the earnest and prayerful intention of the writer to present a discriminating statement herein of the trials of Paul with the hope that the reader may possibly be helped to a better apprehension of the life of this great man.

It has been found necessary to include an historical account of the origin and development of Roman jurisprudence, the provincial court system and the status of the Christian in the Empire and during the Neronian period.

For supplying data in the research work I extend thanks to the librarians of the Worcester Public Library, the Worcester County Law Library, the Case Memorial Library of the Hartford Seminary Foundation, the Trowbridge Reference Library of Yale University, the Library of Union Theological Seminary, and the Harvard University Library. Also I should like to take this opportunity to express my gratitude to Dr. Alonzo M. Petty and Daniel P. Bryant, Esq., of Los Angeles, and Dr.

Edwin H. Byington of the Department of History of Gordon College, Boston, for their review of the manuscript and their historical and literary criticisms—which have vitally assisted in the preparation of the book.

May I indulge the thought that this short work may prove of value to all who rejoice in the heroism and martyrdom of the Apostle; who ever holds before us a world-vision of the Kingdom.

IRVING GAINES RODDY.

FIRST BAPTIST CHURCH,
POCATELLO, IDAHO,
DECEMBER, 1935.

CONTENTS

CHAPTER		PAGE
I.	Roman Jurisprudence	1
II.	The Empire and Judea	11
III.	Rome and Christianity	25
IV.	Nero, Felix and Festus	43
V.	Paul at Jerusalem	53
VI.	Trial Before Felix	73
VII.	Appeal Before Festus	97
VIII.	Trial Before Nero	113
IX.	Trials Before the Præfect of Rome	131
X.	The Judgment Bar of Mankind	139
	Bibliography	145

ROMAN JURISPRUDENCE

Paul responded to the centurion, as recorded by the historian Luke, "I am a Roman born." Lysias was struck with fear because he had bound the Apostle in chains, which was contrary to the Roman law. Outside the palace could be heard the howling mob crying, "Away with such a fellow, for it is not fit that he should live!" Paul was to appear in the courts of the Empire with the full rights of a Roman citizen. To be Roman born in the first century was to place one in the higher strata of society in the Empire. To appreciate the rights and privileges of a citizen of the Empire it is of absolute necessity that we understand the nature and growth of that majestic system of jurisprudence which still influences the civilizations of the world.

From Romulus to Justinian, a span of thirteen centuries is embraced. It was the genius of the Roman mind to construct a system of law which may be correctly classified as a created product. Most systems of law have been the product of a historical growth consisting of the merging of different streams of legal thought and development. The Romans were little indebted to other races for their system of jurisprudence. The Roman system of law was a homogeneous body containing a unity and a distinct character of its own, and whatever external legal influences came into contact with it were soon incorporated within the whole and impressed with the Roman character and spirit.

This system which has claimed the admiration of all subsequent generations had its beginning with the found-

ing of the city of Rome, 753 B. C. This is the accepted historical date of the founding of the ancient city of Romulus. The capacity for government expressed itself in the person of its founder. A representative system of government was brought into being, with a Senate of one hundred citizens from the respectable class known as the patres. It was a constitutional form of government. Colquhoon states, "Nor did Romulus make any law without consulting this body."

Succeeding Romulus were Numa Pampilus, elected in 712, and Lucius Tarquinius Priscus, elected in 615. Servius Tullius followed, in 577. He enacted many laws which later became transcribed into the historic Twelve Tables. Under the reign of Tarquinius the Tyrant—and last king—a great body of law was compiled by one Sextus Papyrius which was also to become embodied into the Twelve Tables. This body of law was known as the Jus Civile Papyrianum.

With the passing of Tarquin a new era began, known as the Republic, destined to succumb to Imperial Rome under Augustus. In place of a king two magistrates, called consuls, were chosen; with great but limited powers. The first two consuls were Lucius Brutus and Lucius Tarquinius. It was agreed that they should govern alternately by months, but an inclination was soon shown to exceed the legitimate authority. The people revolted against the consul authority in the early years of the republic, winning their Magna Charta of civil liberty in the famous law of appeal known as the Lex Valeria (de provocatione). It was this law that Paul invoked in his hearing before Festus. This law, proposed in 509 B. C. by Publius Valerius Publicola, one of the early consuls, enacted that no magistrate should possess the

power to execute a sentence of death against a Roman citizen who had appealed to the assembly. With this law was instituted the popular judicial jurisdiction of the Comitia, placing the final decision in a capital case in the hands of the people. For more than three hundred years the final determination of the question of life and death was vested in the popular assembly. The legal effect was to enhance the importance of the Assembly, or Comitia, in its capacity as a court of justice. In its functioning as a court this body proved unwieldy by yielding to irrelevant matters in the trial of issues. We read that in the time of Tullus Hostillus one Horatius was pardoned by the Comitia for the murder of his sister on account of his heroism in a combat, and because his father had lost three children in the service of the state. Other such cases are prominent in the histories. This gave demand for a permanent tribunal with a strictly legal character. Not until the year 149 B. C.—three hundred and sixty years later—did such a court, by virtue of the Lex Calpurnia, emerge into existence from out of the voluminous and systematic growth of the Roman legal system.

With the enactment of the Lex Valeria, 509 B. C., the struggle of plebeian and patrician, which continued during the entire period of the early republic, had but commenced. The consuls were soon succeeded in power by the Tribunes, under whose rule the " Second Great Charter of Roman Liberties " was effected, 471 B. C. This victory was won by the plebeians under the leadership of Volero Publilius, who seized the Capitol, placing it under military guard, as against Appius Claudius, the patrician who held the Forum. This law, known as the Publilian Law, conferred on the plebeians assembled in the Comitia Tributa the power to elect their own Tribunes. The office

of tribune had been created by the Lex Sacrata of 498 B. C., said official to represent the interests and rights of the plebeians. The Tribunes often heard appeals of the people against the patricians.

The persons of the Tribunes were sacred and they exercised great powers. Colquhoon states: "They could, when they chose, assemble the people and summon any magistrate, no matter what his degree, to appear before their tribunal; no Senatus Consultum was in force without their ratification or approval, which they gave by affixing the letter 'T,' or refused by the word 'Veto,' without being forced to show cause." The logical outcome was that the patricians soon sought the office of Tribune rather than that of Consul. The legal development of the legislation which followed called for a codification of the existing laws to give them certainty.

At the suggestion of Caius Terentilius Harsa, ten commissioners were chosen, known as decemvirs, to revise the constitution and codify the existing law. They were vested with full executive and legislative powers, superseding both consuls and tribunes. After three years labor they reported their work in a compiled body of law known to history as the famous Twelve Tables of Law (451 B. C.). Livy termed this statute "the fountain of all public and private law." Cicero makes reference to it as "a summary of all that is excellent in the libraries of the philosophers." By the year of 376 B. C. the Roman Republic had become in law a democracy. The Republic continued to flourish to approximately 27 B. C., when the Empire era was ushered into being by Octavius, the first Emperor.

During this period of the Republic, 509-27 B. C., Roman jurisprudence, both civil and criminal, became es-

tablished in all its permanency, making possible its future grandeur. Both substantive and adjective law—that is the principles of law and the principles of procedure respectively—developed into a great body of jurisprudence. Here we find a system of ever growing, living law, dealing with property, person, domestic relations, contracts, citizenship, wills, intestate succession; governmental law pertaining to the military, legislative, the judiciary, constitutional problems and numerous phases of human activities. The legal conceptions of Jus Gentium (the common law of mankind) and Jus Naturale (the law of nature) came into being and reached their maturity and complete identification centuries later in the Institutes of Justinian. Of this growth James Bryce writes: "Thus the idea of nature, coupled with that of customs generally observed by mankind, which embodied their experience, became a fertile and creative idea, which turned the law of a city into the law of the world, and made it fit to be a model for succeeding ages." The days of the Republic saw the judicial foundation established upon which the temple was to be reared.

This foundation of legal development may be divided into the two great classes of law, known as the Common Law and Statutory Law, termed by the Romans, the Jus and the Lex. The Common Law consisted of a vast body of legal concepts, expressive of the basic life of the nation. It was the expression of the intellectual and moral life of the race. The religious ideals and philosophic speculations found a realization in these concepts. The Common Law comprised the rules sanctioned in keeping with the two great concepts known as the Law of Nature (*jus naturale*) and the Law of Nations (*jus gentium*). In the concept of *jus naturale* we find the

idealistic side of the Roman mind, while in the *jus gentium* we view the practical aspect of its thought. With the passing of the centuries and the establishment of the Empire we find these two systems of law being fused into one stream of jurisprudence, the identification being complete in the Institutes of Justinian. This identification produced a well-balanced body of law, possessing an idealistic spirit and a practical usage.

Writing of the origin of law Tacitus instructs us that "among some nations a demand for law sprang up at once; among others not until the rule of kings had been found intolerable. Such Codes were first simple, befitting simple folk, the most famous being those drawn up by Minos for the Cretans, by Lycurgus for the Spartans, and the larger and more elaborate system drawn up somewhat later by Solon for the Athenians. In Rome, Romulus ruled according to his pleasure; his successor Numa brought the people under a system of ceremonial and sacred ordinances; and a few new measures were devised by Tullus and Ancus. But the greatest of our law-makers was Servius Tullius to whose laws even kings were to yield obedience. When Tarquinius had been expelled, the people got many measures passed, during their contests with the patricians, to protect their liberties and to establish concord. Then the Decemviri were appointed, who, collecting what was best from every source, drew up the *Twelve Tables*—the last embodiment of equitable legislation."

With this legal foundation Rome launched forth to conquer the world of her day. She carried her jurisprudence from the Tiber to the Tigris and Euphrates in the East and to the British Isles in the West. Her genius for government was expressed in every theatre

of military activity. Carthage, Spain, Gaul, Greece, Macedonia, and Asia Minor came under the power of her scepter and within the rule of her law. The day of the Empire had dawned and with it the science of law was born.

Augustus, the first Emperor, ordained that certain legal opinions should carry the force of his authority. The written opinions of official juris consuls were accorded a like recognition. A legal science had been made possible, which science reached its supreme development in the second and third Christian centuries. Schools of law soon appeared, and professional jurists expounded legal principles. Ulpian, the eminent counselor, wrote, "Justice is the constant and perpetual will to allot to every man his due." The names of Julian, Papinian, and Gaius were written into juristic history, while the Institutes of Justinian crown this era. The code conceived by Julius Cæsar had been realized. James Bryce states: "The Roman jurists of the first three centuries of the Empire were a unique phenomenon in the history of mankind, and they had a unique opportunity. They were at once the makers, the expounders and the appliers of law." Writing of Justinian, this eminent authority informs us that, "his codification of the whole law of the Empire marks an epoch of supreme importance in the history not merely of Rome but of the civilized world, for it is possible that without it very little of the jurisprudence of antiquity would have been preserved to us, so that the new nations which were destined to emerge from the confusion of the Dark Ages might have lacked the foundation on which they have built up the law of the modern world. It is indeed an epoch which stands alone, both in legal and political history."

It was this legal system as it prevailed in the early days of the Empire that surrounded the Apostle. When Paul stood before Felix and Festus he appeared before imperial judges, vested with full judicial powers. He, likewise, as a citizen enjoyed all the rights and privileges which had accrued to a citizen of the great Empire.

II

THE EMPIRE AND JUDEA

THE EMPIRE AND JUDEA

With the battle of Actium, beginning on September 2, 31 B. C., in a naval engagement between Octavius and Anthony and Cleopatra, Egyptian subjection was assured and peace restored to the nation. The birth of the Empire had taken place. Rome was mistress of the world. Anthony and Cleopatra ended all in suicide. Egypt became a Roman province 30 B. C. Octavius returned to Rome in 29 B. C. in great triumph. He was sole master of the Roman world. He was beseeched by both people and aristocracy to be the supreme ruler, to which request he readily conceded. In 27 B. C. the Roman Senate conferred on him sovereign powers with the titles Augustus and Emperor. He refused the crown three times for fear of an open assault on the republican laws and the spirit of liberty of the Roman citizen. Thus as a plain citizen he ruled a republican form of government as a dictator. Very cleverly he took to himself the power of the Princeps Senatus—leader of the legislative body—the Pontifex Maximus—chief of the national religion—the Consul—chief magistrate with judicial and financial power, and the military imperium with the title of Imperator. All the combined power of these offices was vested in his person, still he remained a simple citizen of the fast-fading Republic. Of this imperial system Gibbon states: "The system of the imperial government as it was instituted by Augustus and maintained by those princes who understood their own interest and that of the people, may be defined an absolute monarchy disguised by the forms of a commonwealth. The masters of the Roman world surrounded their throne with dark-

ness, concealed their irresistible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed." As for the power of the Senate, over which the Emperor held the supreme voice, Gibbon informs us: "Rome, Italy and the internal provinces were subject to the immediate jurisdiction of the Senate. With regard to civil objects, it was the supreme court of appeal; with regard to criminal matters, a tribunal constituted for the trial of all offenses that were committed by men in any public station or that affected the peace and majesty of the Roman people. The exercise of the judicial power became the most frequent and serious occupation of the Senate; and the important causes that were pleaded before it afforded a last refuge to the spirit of ancient eloquence. As a council of state and a court of justice the Senate possessed very considerable prerogatives; but in its legislative capacity, in which it was supposed virtually to represent the people, the rights of sovereignty were acknowledged to reside in the assembly. Every power was derived from their authority, every law was ratified by their sanction." The increasing power of the Emperor is here evident. It is to be noted, however, that it was only the "internal" provinces over which the Senate exercised its authority, not including the external or border provinces of the Empire, such as Judea. The appellate jurisdiction in criminal cases in the future development of the imperial appellate system was also to pass to the Emperor's Court.

A. Provincial Government

Judea had previously come under the dominion of Rome in the year 63 B. C., when the legions of Pompey sub-

jected Palestine to the central authority emanating from the Imperial City. With the deposition of Archelaus, A. D. 6, Judea was organized as a Roman province governed by a representative sent from Rome.

There was no concordat or agreement between the Emperor and the Jewish authorities in Palestine. Rome always held the supreme power, but exercised it with a sagacity and wisdom true to the Roman capacity for government. Judea was allowed to maintain a semi-independent status, the Romans conceding local self-government, but with a policy of elastic political polity. She always held control as the exigency of the situation demanded. Large latitude was granted the procurators and proconsuls, as illustrated in the case of Paul before Annæus Gallio, Proconsul of Achaia, brother of the noted philosopher Seneca. In this instance Gallio answered the accusers of Paul by refusing to take jurisdiction of the case. His language is: "If it were a matter of wrong or wicked lewdness, O ye Jews, reason would that I should bear with you: but if it be a question of words and names, and of your law, look ye to it; I will be no judge of such matters" (Acts 18:14, 15).

To the contrary, any question touching the sovereign power was recognized and complete jurisdiction exercised with promptness and severity. No violation here would be tolerated. To this the Jews bowed their proud spirits, but not without a rankling hatred for their masters. In the trial of Jesus, Pilate and the chief priests came into an open clash on this issue. Josephus says that with the formal establishment of the Judean Province, A. D. 6, the Jews lost the power to inflict capital punishment. The high court of the Sanhedrin, the supreme court of the Hebrew nation, was thus compelled to ap-

peal to the procurator for a confirmation of its judgment in a capital case. Therefore did the chief priests bring Jesus to Pilate for the judgment of death of the Sanhedrin to be countersigned by Pilate acting for the Roman government. Not to their surprise he refused to concede to their request, when thus they exclaimed, "If he were not a malefactor we would not have delivered him up unto thee." The procurator answered, "Take ye him and judge him according to your law," when they replied, "It is not lawful for us to put any man to death" (John 18:30, 31). Pilate, unmoved by their fanatical hatred but true to the instinct of Roman justice, proceeded with a Roman trial. Rome always held the supreme judicial power. The theory has been presented by one writer that the Sanhedrin was a preparatory court to the tribunal of Cæsar. As to this the best authorities disagree.

The Roman provincial system was comprised of three distinct types of political communities, namely, free states, allied states, and subject states. There can be no doubt as to Judea's being one of the subject states, and being ruled by Roman governors who administered the law of the province known as the Lex provinciae. What, may we ask, composed this body of law? This law consisted of the edicts and legislation of the conquering general—with ten advisers appointed by the Senate—the decrees of the Emperor and the Senate, and the edicts of the provincial procurators. To this was added the sum total of the existing law of the subject state. Roman citizens residing within the province had their own law and their own judicatories; like Europeans and Americans residing in the Far East today. It is, therefore, perfectly clear that two factors existed in the governing of Judea by Rome; first, local self-government in purely

Jewish affairs, and secondly, Roman supremacy, recognized by the Jew, which exercised an elastic limitation on Jewish government according to the circumstances. Just so long as the subjects of the province were peaceful, and conformed to the Roman tax system, and rendered the required military service, the Imperial authority was quite content.

It is of the utmost importance to a thorough study of our subject to discuss the power of the procurator. Both Felix and Festus, before whom Paul appeared, were procurators. Procurators were of two classes, those appointed by the Senate and those empowered by the Emperor as his personal representatives. The centrally located and peacefully disposed provinces were governed by procurators, or proconsuls, appointed by the Senate. The distant and turbulent provinces were governed by a personal representative of the Emperor. The Emperors, including Augustus, Tiberius and Nero, were very jealous of this power. The procurator of Judea was classified in the second group. He was termed Procurator Cæsaris, the procurator of Cæsar. By this is meant that he was the attorney or personal representative of Cæsar in the province. The powers and duties of his office were by no means limited merely to financial and commercial matters; he was an imperial official vested with civil, criminal, commercial and military jurisdiction. In order of rank, however, he was subordinate to the governor of Syria, but directly responsible to the Emperor. This was true of Pilate under Augustus and equally true of Felix and Festus under the tyranny of Nero. These men were officials possessed of great powers. As the personal representatives of the Emperor they could and did exercise as delegated power those powers which were the accumu-

lation of the centuries and which had been vested in the person of the Emperor. The procurator of Judea exercised the unlimited jurisdiction of the military imperium as well as being the supreme justice of the Imperial Provincial Court. His decision in judicial matters was final, though he might consult his council. This he was not compelled to do, for there was no rule of law requiring him to do so; it was merely a courtesy; not a legal duty. No law limited the sovereign exercise of his will in regard to the provincial. In his hands was placed the power of life and death. Other than Romans stood before the procurator subject to his absolute power; the Roman citizen—as we shall find in the case of Paul—could exercise the right of appeal. Herein is one of the marked differences between the case of Jesus and that of Paul. Jesus stood before Pilate resting on the rights of a Hebrew provincial and the instinct of Roman justice, while Paul stood before Felix a Roman citizen with the guarantee of all the rights of the entire system of Roman jurisprudence. Jesus as a Jew was at the mercy, caprice and political self-interest of Pilate; Paul could invoke the law of the Empire. In passing it should be stated in justice to Pilate—and in view of these circumstances—that Pilate deserves the approbation of Christianity for according to Jesus a Roman trial—as he was under no legal obligation to do. Pilate did not fail as a jurist, but rather as a man, for it was after his decision, "I find no crime in him" (John 19:6), that he gave way to the ragings of his subjects. Paul stood before his judges a Roman citizen, both in Judea and at Rome. We must now ask, what was the character or nature of the court before which Paul appeared?

B. Provincial Courts

In the exercise of his absolute authority, limited only by Roman law and the over-shadowing power of the Emperor, the Procurator was the supreme justice in the functioning of the criminal law in the province. In the case of a Roman citizen he was compelled to apply the law of Rome under the forms of Roman procedure, both substantive and adjective, and that is as to the law applicable to the case and the mode of its application, respectively. The procurator was required in the exercise of the military imperium to apply the rules of criminal precedent of Rome. The question has been much debated as to whether the courts of the provinces were similar to the courts of Rome. The best authorities accept the trustworthy statement of the eminent Rosadi, who writes, "It is also certain that in the provinces the same order was observed in criminal cases as was observed in cases tried at Rome." The same authority holds that the changes in the forms of procedure by Augustus did not affect greatly the forms obtaining in the courts. These changes we are instructed were not of a radical nature, especially in the case of the criminal courts and the rules of procedure in the Republic. These remained substantially the same under the Empire, continuing the same in their application in the permanent tribunals until the third century of the Christian era. The distinguished Geib says: "It is nevertheless true that the knowledge which we have, imperfect though it may be, leaves no doubt that the courts of the Italian municipalities and provinces had, in all essentials, the permanent tribunals as models; so that in fact, a description of the proceedings in the permanent tribunals is, at the same time, to be regarded

as a description of the proceedings in the provincial courts."

For the creation of these permanent courts we refer again to the Lex Calpurnia of 149 B. C. heretofore mentioned under "Roman Jurisprudence." These courts were in the process of development from the early period of the judicial authority of the Assembly by virtue of the Lex Valeria, the Magna Charta of Roman civil liberty. The criminal procedure of these courts is the procedure which would obtain in the provincial court of Festus. Our inquiry now is, what was that procedure? Further on we shall consider its application in the case of Paul. The outstanding features of this system of procedure we may state as follows:

First Stage

The first stage (*postulatio*) consisted in the filing of an application to the presiding justice for permission to bring a criminal charge against a certain person. It was a request to prosecute. This application in the early period was made by a private person, later to be exercised by a state attorney or prosecutor. Private citizens—usually of the noble class—undertook these prosecutions in behalf of the public, and also for personal enrichment—in some instances out of a patriotic motive. The laws of Cicero's time allowed the successful prosecutor a one-fourth share of the property confiscated or the fine imposed. Should there be more than one accuser or prosecutor, then a hearing was held to determine who should be the final prosecutor. This proceeding, known as the *divinatio,* was to secure a proper prosecuting attorney. These contests often developed into bitter discussions. With the selection of the prosecutor completed, the ac-

cused was examined (*interregio*) in a similar manner to what is known to modern jurisprudence as an examination before trial of the defendant. The purpose of this examination was not to go into the issues involved, but was primarily to ascertain in definite form fuller information as to the charge. This examination often took place in the absence of the accused. In the case of the impeachment of Julius Cæsar, 58 B. C.—instigated by Antistius —Cæsar was excused because of his absence in the service of the state, in Gaul. If present, the accused was questioned by the magistrate as to the crime. If he found that there was a prima facie case the prosecutor was permitted to continue. The modern grand jury inquiry is parallel to this proceeding. If the inquiry found sufficient evidence to sustain the accusation or charge in the case, then an indictment was framed, termed the *inscriptio,* which was filed with the court, and a date fixed for trial. Even though the charge was for the offense of murder, the accused was not confined or imprisoned; thus offering to him the opportunity of voluntary exile, and saving the nation the odium of executing a Roman citizen. We find this rule applied according to local circumstances in the provinces. Paul, for instance, was, to the contrary, confined before trial to protect him from assassination by his enemies.

Should the accuser or prosecutor fail to appear, the proceeding was dismissed. The Roman law also provided that should a citizen falsely accuse another citizen of a crime, he should be tried for defamation, and in case of conviction should be branded with the letter K, on the forehead. This protected the citizenry from unscrupulous men who would utilize the machinery of justice for personal corrupt purposes.

Second Stage

The second stage (the *altercatio*) consisted of the offering of the evidence. It was comprised of two vital elements, the accusation (*accusatio*) by the accuser, and the defense by the accused. With the calling of court—only by daylight—the judges were impaneled, sitting on a raised platform in front of which were arranged the benches of the parties to the suit. The order of the procedure was as follows: 1. Speech of the prosecutor; 2. Examination and cross-examination of the witnesses for the prosecution; 3. Speech of the prisoner or his advocate; 4. Examination and cross-examination of the witnesses for the defense. Cross-examination was introduced in the early period of the Empire. We are indebted to Geib for this order of procedure. Regarding the time of a trial, Tacitus records that "three days was a liberal allowance for the purpose. Pompey's law (52 B. C.) allowed only two hours to the prosecution, three to the defense. The younger Pliny says that in his time the law allowed no more than six hours to the prosecution, nine to the defense."

Third Stage

With the completion of the offering of the proof, the final and third stage of the trial was reached, namely, the judgment of the court. This judgment was rendered in three different forms; A. (*Absolvo*), C. (*Condemno*), and N. L. (non liquet); that is an acquittal, a condemnation, or a doubtful decision respectively. In case of a doubtful decision the case was retried at a future date. Precedent dictated that only one doubtful decision could be rendered in any one prosecution. All proceedings in

the case of a Roman citizen were required to be in writing and recorded with the court.

This accounts for the verbal accusation and trial, in the case of Jesus. Had Jesus been a citizen of the Empire, as Paul was, the mere verbal charge would not have availed against him; a written libel would have been demanded.

Such were the main elements in the trial of a criminal case at Rome. We have it upon the authority of Rosadi and Geib, that a similar procedure prevailed in the provinces—taking account of local conditions.

With this analysis we raise the question, what was the paramount charge against Paul? We must answer that he had been charged with treason. Before applying these rules of procedure, it becomes our duty to inquire as to the Roman attitude toward the Christian—that we may grasp the deep significance of this tremendous indictment. Had Paul actually violated and attacked the sovereignty of the Roman state? Was he an arch enemy to the Roman Empire? Was he guilty, at the bar of Roman justice, of the atrocious crime of treason? We shall see.

III

ROME AND CHRISTIANITY

ROME AND CHRISTIANITY

A proper appreciation of the charges brought against the Apostle by his accusers demands an inquiry into the attitude of the Roman government toward the ever-increasing group within the Empire that came to be known as the Christians. We are compelled first to ask what the policy of the imperial government was on matters religious.

It is fundamental to our present study that we recognize that the first and paramount political principle of the Empire was the preservation and the safety of the state. This is true of all states. We have already noted that Augustus was elected by the Senate to the office of Pontifex Maximus—the head of the church—as well as vested with full powers of the state. The Roman religion was essentially a national religion controlled by the government. It became the duty of every citizen to participate in its functions as an expression of his patriotism to the state.

A. Ancient Cults

With the expansion of the nation the religion of the early Republic was of political necessity compelled to be of a polytheistic nature. With the incorporation of new peoples into the body politic, the Romans were obliged for both military and political reasons to accept the new deities as well as the new citizens. The adoption of the new deities into the national worship was accomplished by the chief magistrate with the support of a senatorial decree.

In this manner most of the Hellenic gods found their way into the Roman worship. Apollo enjoyed governmental recognition with the Roman Jupiter. As early as 204 B. C. the Oriental cult of Cybele was brought to Rome from Galatia and instituted on the Palatine. In a similar manner the goddess of Cappadocia known as Comana found her way into Rome. With the increase of the mixed population, Rome soon became infested with every known religion of the Empire. Secret sects crept in. The religion of Rome developed into a heterogeneous mass of cults and sects gathered from the far ends of the known world.

Toleration appears to have been the policy of the government as long as the safety of the state was not endangered nor public morals jeopardized. The government was well aware of its power. Through strict and ever-watchful police regulations public disturbances were avoided or speedily suppressed. Roman citizens were forbidden to violate the national religion, much concern being felt by the government if such violations took place in any pronounced manner. Foreign cults were tolerated, but the Roman worship was supreme. While recognized by the state, the foreign deities were not permitted within the pomerium. During the Hannibalic War, 213 B. C., much anxiety was expressed as to the introduction of strange rites. The executive was censured by the Senate for the scandal.

The Bacchanalian orgy of 188 B. C. stands out as the most prominent example of the suppression of a sect that was openly and flagrantly immoral. This cult, of Oriental origin, infested the entire city and the whole province of Italy. Its festivities and rites were both obscene and criminal. Murder became part of its unsavory product. It be-

came a cesspool of wickedness, harboring all types of criminals and political conspirators. With authority from the Senate, the Consul, after a thorough investigation, executed three thousand members comprising more than half of the entire group. In this instance we are impressed with the spirit of what may be termed Roman justice, consisting of a thorough investigation, followed by a severe and speedy punishment of the guilty. The historians make clear that the action of the government was based on political rather than religious considerations.

With the passing of years the principle of unlimited toleration tended to weaken the loyalty of the Roman toward the national faith. The religious atmosphere was not conducive to a consistent religious attitude on behalf of the citizen, with the result that a spirit of indifference soon set in, especially among the higher classes. The philosophies of Greece were of more interest to them. The established religion was primarily monarchical; not appealing to their thinking. With the larger social opportunities of the dawning Empire days, the individual found other interests more attractive, if not of more value, than the state religion. Nevertheless, the government, true to its function as custodian of the religion of the Empire, continued to suppress all sects guilty of serious immoralities without any public sentiment to the contrary. In 58 and 50 B. C. the worship of Isis felt the hand of the state. But soon the spirit of indifference began to be felt in governmental policy, when, in 43 B. C. the government erected a Temple to the worship of this same goddess. From this time on the sect was tolerated, if not encouraged, permitting it to flourish. Augustus and Nero made no attack upon it, while Domitian rebuilt the temple of

Isis, which had been destroyed by fire during the reign of Titus.

With the passing of the Republic, any apparent strict control of the Roman citizen in religious matters had practically ceased. The government confined itself to those cases of open violations, characterized by public immorality and endangering the security of the state.

Upon close analysis, however, despite the seeming lack of governmental control, we are forcibly impressed with this most important fact, that beneath all toleration, the imperial state possessed the supreme right to regulate and control the consciences of its citizens in matters religious. This principle was imbedded in the political fabric of the nation. It was a constitutional principle. The legal right to create, tolerate or destroy religions was an attribute of Roman sovereignty. It is of the utmost importance to bear in mind that the exercise of this prerogative was not a religious but a political function. In the instance of Jesus, he was charged with the political crime of treason because of his religious teachings. The Jews knew this to be the primary principle. Pilate was not much interested in the spiritual truths of a Hebrew prophet, but he was greatly worried when it was charged that this religious teacher taught principles that endangered the political power of Rome.

B. Judaism

The relation of Rome to Judaism, and subsequently to Christianity, was bound to be far different than its relation to all other sects. The Roman national religion was polytheistic. With the conquering of a polytheistic people the problem was easily solved by tolerating and introducing its deity into Rome. Not so with Judaism. Judaism

was monotheistic and intolerantly so. It did not ask to be tolerated by Rome or any other earthly power. It believed and worshiped the only one and true God, despising all idol worship. Rome had usurped the office of God in their nation. God was their King and not any earthly Cæsar. How was Rome to deal with this group, the Jews? Not only were these people to be found in Palestine, but they were scattered in all the great cities of the Empire. They inhabited all the provinces, and even the islands of the Ægean. In Syria, Cilicia, Bithynia, Pamphylia, Pontus, Macedonia and Achaia they controlled dense masses of the large cities' population. Holding themselves aloof from Roman and Greek civilization as much as circumstances would permit, they instinctively refused to be woven into the Empire. They were an exclusive, aggressive, proselyting, intolerant religious group. They were more interested in the Hebrew theocracy than in Roman political unity. Opposition to military service and payment of taxes to their master constituted a sore spot in their relationship to Rome.

We are not to be surprised therefore when we find a Roman dislike for the Jews. They scorned his civic, social, and religious conventions; the Romans reciprocated. Jealously existed between the two races, while suspicion became part of the Roman official attitude. Friction always existed. Cicero characterized the Jewish worship as a barbarous superstition.

Julius Cæsar, nevertheless, in the interest of peace and equity, granted to the Jews certain privileges, most of which had some reference to their religion. These privileges were embodied in a series of edicts, signed by Cæsar, granting the privilege to send their annual tax to the Temple at Jerusalem; excusing them from attending

court on the Sabbath, and exempting them from compulsory military service. Mommsen holds that these privileges were granted to the Jews in a political sense, and could not be claimed by a non-Hebrew proselyte, nor by a Jew becoming a Roman citizen.

Under the dictatorship of Augustus, Philo informs us, that the Emperor confirmed all the privileges that had been granted and took no action to expel the Jews from Rome or deprive any of them of their Roman citizenship —which many possessed. Under Tiberius and Claudius, however, conflicts took place. Tiberius conscripted four thousand of these citizens to put down a disturbance in Sardinia. A dual policy was indulged in by the Roman government. Mommsen draws this distinction between the Roman policy in the West and the East: At Rome the Jews were immigrants, to be tolerated; at Jerusalem they were a political unit of the Empire. Caligula went even so far in asserting his power in the province as to issue an imperial order to have his statue erected in the central temple of Jerusalem. This was only averted by the efforts of Agrippa and Caligula's untimely murder. Hatred continued to increase between the races, culminating in the Jewish war at the close of Nero's reign. This was but the logical outcome. In a subsequent consideration of the procurators of Judea we shall come into direct contact with this friction between Jew and Roman.

It is clearly evident that at Rome church and state were one. Political obedience to the Emperor carried with it worship of the Emperor. The religious unity of the Empire provided a symbol for its political supremacy. Toleration was granted, but it was a reciprocal process demanding worship of the Emperor. When the Senate conferred upon Octavius full powers as the Chief Com-

mander, or Emperor, he was also vested with the title of Augustus, meaning "Divine." As Pontifex Maximus, he became the religious head of the nation.

Judaism, despite its monotheism and its indifference to Roman civilization, was tolerated. Why not Christianity?

C. Christianity

The early Christian church is described for us by the historian Luke in his Acts of the Apostles. He presents it to us as an outgrowth of Judaism. The apostles frequented and taught in the Temple. From a small group of one hundred and twenty the number of converts in Jerusalem rapidly increased to three thousand, then to five thousand. The gospel message was carried into Samaria, Egypt, Asia Minor and Greece. From the Day of Pentecost the teaching of the resurrection of Jesus of Nazareth spread beyond Jerusalem to every province and city in the Empire where Jews resided. Alexandria, Antioch, Ephesus, Philippi, Corinth, Athens and Rome heard the story and teachings of this strange sect.

Persecutions at once began—but it was on the part of the Jews and not of the Romans. The Roman officials looked on with indifference, as in the case of Paul before Gallio at Corinth. They did not stop the killing of Stephen. That was a religious matter, for the Jews. Paul set out to Damascus to persecute the followers of this Jesus. On his first missionary journey he appealed to the synagogue and the Jew. Gradually, as the separation of the church at Jerusalem and Paul's activities began to take place, the Apostle found himself appealing to the Gentile world. It is needless, in this volume, to rehearse the persecution of Paul by the Judaizers, as they fol-

lowed him from city to city throughout Asia Minor and Greece, culminating in the struggle at Jerusalem; which climax will be considered in a later chapter. Not till A. D. 48, at Antioch, was this group derisively termed "Christians" (Acts 11:26).

Due to the far-reaching and active ministry of the Apostle it was not long before the Gentile Christians became the predominating element in all the Christian churches, thus in a marked manner separating the new Christian group from the theocracy of Judaism. Heretofore, being regarded as a sect of Judaism, they enjoyed the privileges granted to that body. What was to happen is a matter of an interesting historical development.

The Jews had persecuted the sect from its very inception, charging its leaders with violating the law of Moses and with disloyalty to Cæsar. Its founder, the Man of Galilee, was charged with high treason before Pilate in that he made himself a king of a kingdom. Pilate allowed them to crucify him when they hurled at him the words, "If thou let this man go, thou art not Cæsar's friend" (John 19:12). If Jewish monotheism, intolerant and repellent, found little favor at Rome, what was to be expected of this new teaching of the Christians?

Paul, the great teacher of the new doctrine, had conceived of Christianity as a universal religion. It was not only dominated by an aggressive, intolerant, proselytizing spirit, but its limits were coextensive with the Roman Empire. Paul sought the large cities; the centers of influence. Professor Ramsay writes these words: "The towns which he visited for the sake of preaching were, as a rule, the centers of civilization and government in their respective districts—Ephesus, Athens, Corinth, Thessalonica, Philippi. He must have passed through

several uncivilized Pisidian towns, such as Adada and Misthia and Vasada; but nothing is recorded about them. He preached, so far as we are informed, only in centers of commerce and Roman life. This point is one of peculiar importance in studying the effect produced by the Christian religion on the Roman world. It spread at first among the educated more rapidly than among the uneducated; nowhere had it a stronger hold than in the household and at the court of the Emperors. Where Roman organization and Greek thought have gone, there Paul by preference goes." Christ was all in all to Paul and the Christian religion was the supreme faith. We shall have occasion to study Paul's conception of Christianity more fully when we go with him to Jerusalem and before Felix.

The attitude of Rome in the early part of the first century may be termed neutral. This was destined to change before the end of the century to one of intense, violent hatred. Pilate endeavored to give to Jesus full protection of the Roman law though he was a Galilean Jew, and only submitted to the demands of the priests out of political expediency. The situation had been vastly altered when Paul appeared for trial. Quite to the contrary of Pilate's action, Nero in A. D. 64, found no hindrance to executing the Christians from the West to the East in the first great persecution. Why this change? What had happened? Was there any sound reason permitting of this tragedy aside from the personal hatred and whim of Nero? Why did not the populace protest against this ruthless policy of the Emperor?

Christianity soon became unpopular in the Roman world. We query—Why? To indulge in the supposition that this was based on purely religious grounds is to mis-

interpret the established evidence of history. As heretofore noted, Paul was not persecuted in his early ministry by the Græco-Roman world, but by the Jews of Asia. New cults in religion were readily accepted by the Romans, the Greeks and the Ephesians. The evidence points to the fact that the animosity and hatred of the Græco-Roman world was aroused for purely social reasons. Christianity came to mean a revolution in society. Were they justified in so thinking? We must answer in the affirmative. Each generation has always clung to the status quo. This is no less true of the first century than it is of the twentieth. A patriot of Rome would permit no teaching destined to undermine the power and glory of his Empire. He was true to his domestic status, his state, and his religious faith personified in the Emperor. All others were tolerated, which expressed his breadth of thought; but a revolution could not be permitted.

A social revolution undermining the present economic, political and religious system of America would be considered treasonable. The preservation and security of the state would be acclaimed from ocean to ocean. The pulpit would proclaim the divine establishment of the nation and the God-ordained purpose of the present order in the eternal plan of the Almighty, for the universal and the ultimate destiny of the human race. Patriotic bodies would demand governmental action at once. Justifiable grounds for the use of the military power would be presented by both statesmen and the military leaders. The rights of mankind would be invoked. This suppression would be done in the name of national preservation, morality and justice, and in the name of the eternal God. The action of the Roman is not to be hastily condemned when we face the facts.

The solidarity of the Empire was to be jealously and even religiously defended against any foe from within or from without. This unity had been the logical product and political growth of the philosophic and legal concept known as the law of nature, which concept lies at the heart of the nation's life. James Bryce writes: "In particular, the idea of a community of all mankind, as opposed to the small civic communities of earlier days, began to approach a realization in the great Empire which had gathered all civilized men under its wings, had secured for them peace, order and a just administration of the laws, and had admitted everyone, whatever his race, tongue, or birthplace, to a career of honorable ambition in civil and military office; a career whose possibilities included even the imperial dignity." The Empire demanded military service of its sons, as have all nations down to the present day, and in return bestowed many opportunities and civic benefits. The Roman loved his country with its heritage of past ages, and an accomplishment in political attainment unsurpassed by any race of men. He was quite justified in being proud to be a son of the Empire. To him this new sect appeared very strange and suspicious.

The early Christians were indeed a strange, a queer people to those about them. They refused to indulge in the social conventions of the day. Established conditions of society were, if not interfered with, despised. Their attitude to trade relationships, popular amusements and domestic customs created a spirit of suspicion among their neighbors. Much of their teaching was considered antisocial. They spoke of the speedy end of the world, which of course carried with it the destruction of the Roman nation, with all others, to be followed by the estab-

lishment of a new kingdom with a divine king. This teaching produced indolence among their groups, and much disturbance, as shown by the Apostle's letters to the Thessalonian brethren. Families were disrupted by converts leaving their homes. This was in some instances unjustly encouraged by the application of the teaching of their Master, " He that loveth father or mother more than me is not worthy of me " (Matt. 10:37). In the matter of sex, grave difficulties were encountered. Here, again, the teaching, " The sons of this world marry, and are given in marriage: but they that are accounted worthy to attain to that world, and the resurrection from the dead, neither marry, nor are given in marriage " (Luke 20:34, 35) was perverted by ignorant converts to the sect, bringing disrepute upon all. Obedience to the letter rather than the spirit of many of the principles taught by the Founder soon brought them into an open clash with acceptable and established society. " Think not that I came to send peace on earth: I came not to send peace, but a sword " (Matt. 10:34), was often resorted to in justifying dissension in family and community. At Corinth, Antioch, Rome and Ephesus these teachings and this type of conduct soon began to generate a feeling of distrust against the group. They were soon looked upon as a public menace, considered *odium generis humani.*

The interference with trade relationships is accredited by the best authorities as constituting the tantamount difficulty. Professor Ramsay in discussing the instance of Paul at Ephesus writes, " The first way in which Christianity excited the popular enmity, outside the Jewish community, was by disturbing the existing state of society and trade, and not by making innovations in religion. The rise of a new god and a new worship was a matter of

perfect indifference to almost everybody in the cities of the Roman provinces. In the Græco-Roman world everyone was quite accustomed to the introduction of new deities from other countries. Isis was no enemy of Artemis. A new deity preached in Ephesus was all a matter of indifference. Gradually people began to realize that Christianity meant social revolution, that it did not mean to take its place alongside the other religions, but to destroy them. The discovery was made in a homely way, familiar to us all, namely, through the pocket. Certain trades began, with all sensitiveness of the money-market, to find themselves affected. The gradual progress of the opposition to Christianity is well marked in the Acts, and is precisely in accordance with the above exposition." In the case of Paul and Silas at Philippi, in the healing of the maid "having a spirit of divination," the historian Luke records for us these words, "But when her masters saw that the hope of their gain was gone, they laid hold on Paul and Silas, and dragged them into the marketplace before the rulers," charging that, "These men, being Jews, do exceedingly trouble our city, and set forth customs which it is not lawful for us to receive, or to observe, being Romans" (Acts 16:19-21). They were beaten and cast into prison. Ramsay continues: "In Ephesus the first opposition against Paul was roused when the trade connected with Artemis worship felt their pockets touched; and then the riot arose. It was not a religious persecution but a social and mercenary one." At Thessalonica, not being able to apprehend Paul and Silas, "they dragged Jason and certain brethren before the rulers of the city, crying, These that have turned the world upside down are come hither also" (Acts 17:6). A twentieth century deportation act was in order!

The Roman magistrates—and patriots—are not to be unjustly condemned at the bar of Christianity. Here were two civilizations face to face, diametrically opposed to each other on basic principle; one in the prime of its power; the other in its infancy. Destiny has rendered its verdict. There could be no compromise. Eternal truth must prevail. Here was the initial clash. That the Christian teaching claimed supremacy was readily grasped by the Romans, who used every weapon within their command to maintain their hegemony in the world.

With these facts before us, it is not hard to understand why it was that by the year A. D. 64, when Nero fired Rome, it was a very easy matter for that ruler to persecute the Christians for the incendiary, burning their bodies as torches in the circus to amuse the multitude, though the people were well satisfied that Nero was the cause of the conflagration. The public mind had come to the belief that this sect was a public menace, an enemy to the common welfare. The arguments between such eminent historians as Neumann, Arnold, and Ramsay as to the exhaustive details of this persecution, we need not discuss. We must, however, keep in mind that Paul suffered martyrdom in this persecution. I feel we may be on safe ground in abiding by the position of Ramsay, who holds that these Christians were not executed *en masse,* but were accorded trial and were not found guilty of the charge of incendiarism, rather as being a menace to the world.

This authority also holds, in keeping with the evidences as presented by Tacitus, that these trials of the individual Christians, instituted by Nero, were continued, after his abdication, as a permanent policy of state until the time of Pliny and Trajan when the trial was dis-

pensed with; the acknowledgment of the name resulting in immediate condemnation.

It is therefore perfectly clear from this authority that the hatred developed by Rome against Christianity was primarily on social and political grounds. The sovereignty of the state was threatened. Law and order must be maintained. Disrespect for the law and the person of the emperor was not to be tolerated. Patriotism demanded severe punishment. The vital life of the Empire had been attacked. Rome must rule. In this atmosphere Paul appeared for trial.

Realizing that Paul stood during this period before provincial procurators, and also that he was tried at Rome before this Nero as his judge, we ask, What kind of man was this Emperor? And who were Felix and Festus?

IV

NERO, FELIX AND FESTUS

NERO, FELIX AND FESTUS

A. Nero

Nero has been described as "a malicious monster who wore the imperial purple," and as "the incarnation of unbridled lust and whimsical power." This was the master of Felix, the local procurator before whom Paul was to appear.

Having discussed the existing system of jurisprudence, the government of the provinces, the nature of the criminal procedure obtaining in the courts of the Empire applicable to the case of Paul, and the Roman attitude toward Christianity, it becomes our duty now to consider the personalities who were participants in this historic drama. What kind of men administered this system? That supreme element of our subject now presents itself in all its base and its noblest expression—that supreme factor known as human nature.

The record of Nero is one of dash, romance, intrigue and tragedy. He was born in the year A. D. 37 on December 15, of Domitius Ahenobarbus Nero and Agrippina, the daughter of Germanicus, approximately nine months after the death of Tiberius, the Emperor in the time of Pilate. Nero's father died when he was about three years of age, precipitating in his case, as in the case of many boy rulers, a series of court intrigues leading to his ascension to the throne. His mother had been banished by Caligula, her brother, on a charge of conspiracy, and being deprived of both parents Nero lived with an aunt, named Domitia. Agrippina was recalled by the Emperor Claudius, when she at once began a

struggle of thirteen years to seat her son on the throne. She first caused the wife of Claudius, Messallina, to be executed, and then she won the Emperor's favor in her rival's place. The marriage took place in A. D. 49, when she was recognized as his consort in the government. In the following year young Nero was adopted by Claudius, with the title of Nero Claudius Cæsar Drusus Germanicus. Seneca was secured as his tutor. Claudius' rapid decline in health spurred on Agrippina in her plans, so at the age of fourteen Nero was introduced to the Senate by the Emperor, at which time the Senate conferred on him the proconsular imperium and the title of *princeps juventutis*. In A. D. 52 Nero, as præfect of the city, administered justice in the forum. The year following, his marriage with Octavia, daughter of the Emperor, took place. With the poisoning of Claudius by Agrippina her son was elevated to the throne. On October 13, A. D. 54, seventeen years of age, he proceeded to the Senate chamber, where he was vested with full powers as Emperor.

His mother had succeeded in making her son the national sovereign, but she soon fell before his vile nature. He commenced his rule with good behavior, being somewhat under the influence of the great Seneca, but soon his savage nature, no doubt inherited from his mother, asserted itself. She was the first victim. Nero's passion for the beautiful Acte aroused his mother, who opposed him. This irritated his spirit and he brought about her death by having her murdered in her villa by a body of soldiers.

Dramatic exhibitions, chariot races, and carnivals captured his interest. In the year of his mother's death he constructed his circus at the Vatican (A. D. 59).

It was in the year 60 that Felix was recalled—indicat-

ing that during the intrigue against Nero's mother, Paul's trial took place in Cæsarea. We can imagine the political reaction of this state of affairs on Felix in Palestine—subject and responsible to the person of the Emperor.

In 62 Nero caused Afranius Burrus to be poisoned, due to his infatuation for Poppæa. He soon divorced Octavia and in twelve days married this Poppæa. Octavia was banished to the island of Pandateria and shortly after, at the instigation of Poppæa, murdered. The head of Octavia was sent to Poppæa, who gloated over it in her hideous victory. In her triumph her statues were erected in public places and her image appeared on the coins of the Emperor.

The year 64 reveals for us the capacity for destruction of this hideous monster, when on the night of July 18, the city of Rome was fired. Some historians make the date May 18, but we will leave that for them to argue and discuss. The outstanding fact is that Nero, while at Antium, ordered the firing of the city. The flames spread rapidly from the Palatine and the Esquiline to the Circus Flaminus, until it reached the water-wall of the Tiber. The Emperor returned to Rome on the sixth day of the fire and blamed the Christians for this dastardly crime. The charge of the Emperor brought forth the persecution of the Christians, many being put to death in the Circus Maximus, at the Vatican.

Poppæa soon felt her master's rage, when in 65 he killed her with a kick. The murders of Piso, Seneca, Lucan, the nephew of Seneca, Publius Antæius, Scapula, Plautius, all took place at about this time. In 66 Nero murdered Atticus, the Consul, and married his wife Statilia Messalina, departing in early summer of 67 to Greece on a theatrical tour.

The end of this tyrant's reign was near, but before he stepped off the stage in A. D. 68 he had put to death many others whom he counted his enemies. Dissatisfaction reigned throughout the entire Empire. The end of the "monster" had come. Revolt raised its banner in Gaul, Spain, Germany and at home. On March 19 news reached him in Naples of the revolt in Gaul. But he continued with his gaieties. With the proclamation of the Senate recognizing Galba of Spain as Emperor, this coward fled from Rome to a villa four miles outside the city. As the executioner approached with a sentence of death from the Senate, Nero attempted suicide, but was killed at his own request by his secretary Epaphroditus (June 9, 68). He was thirty years of age, and had reigned fourteen years. His remains were placed by the faithful Acte in the family tomb of the Domitii, located on the Pincian Hill. With the death of Nero the line of the Cæsars came to an end. His name was erased from all objects, his statues destroyed, and his golden palace—one mile square, erected after the fire—was demolished.

We are apt to hastily conclude that with such an emperor the Empire was reduced to a point of political impotency; but this was not the case. Though Nero spent perhaps the major part of his time in revels, in the circus and in festivals of gaiety, the governmental machinery constructed through the centuries functioned with precision and regularity. The judicial system operated unimpaired in the dispensing of Roman justice. The thought that even Nero was void of all sense of justice as the Chief Justice of the Empire is not to be entertained; as we shall find in the appeal of Paul. With all his personal lewdness, his domestic treachery and his political intrigue, he was, nevertheless as head of the state,

surrounded by a legal system with which he must function. Though self-willed, the influence of his associate justices and the principles of Roman law must have largely governed his official actions. He may have wilfully put to death political enemies, but he could not destroy a judiciary founded on the centuries. It might well be said, in view of his brutal reign, that the hammer of wickedness broke, while the anvil of justice remained.

B. Felix

Felix was much like his master. Tacitus says that "in the practice of all kinds of lust and cruelty he exercised the power of a king, with the temper of a slave."

We enter upon the career of Felix with one Cumanus as procurator of Judea and with Celer as tribune. Ummidius Quadratus was the governor of Syria, residing at Tyre. Internal strife was continuous in Judea; in all Palestine, in fact. The villages of the Samaritans had been fired and they complained to Quadratus, accusing the Jews and claiming Roman protection. The Jews answered, charging the Samaritans with being the instigators of the disturbance, and accusing Cumanus, the procurator, with corrupt relations with the Samaritans. Upon coming to Samaria, Quadratus ordered certain Jews whom Cumanus had held captive to be crucified. Upon further investigation he ordered one Dortus to be put to death for innovating a revolt against the Romans, and sent Ananias, the high priest, and Ananus, the commander of the temple, in bonds to Rome to give an account of events to Claudius Cæsar, step-father of Nero. Cumanus the procurator and Celer, the tribune, were also ordered to Rome to appear before Cæsar. The Jews immediately sent men to see Agrippina, wife of the emperor and

mother of Nero, and successfully caused her to influence Claudius against Cumanus and the Samaritans. The result was that Claudius banished Cumanus and gave orders that Celer should be returned to Jerusalem to be exhibited to the people of the city and then slain. Such is the record by Josephus. Knox states that Felix, brother of Pallas, a freedman, was involved in this matter with Cumanus, and that Claudius referred the matter back to Quadratus, the legate of Syria to settle himself; at which time the legate acquitted Felix and even allowed him to sit in at the trial of Cumanus.

The fact of the matter is, despite these contentions, that Cumanus was banished and Felix, for his support of the Jews in this quarrel, was rewarded—by virtue of the influence of Pallas and the intervention of Jonathan the high priest—with the office of procurator of Judea. Josephus states: "So Claudius sent Felix, brother of Pallas, to take care of the affairs of Judea," and "bestowed upon Agrippa the tetrarchy of Philip, Batanea and Trachonitis and Abila; but took from him Chalcis." Agrippa gave his sister Drusilla in marriage to Azizus, King of Emesa. But Felix soon caused the dissolution of this marriage by inducing the beautiful Drusilla to divorce her husband and marry him. Azizus was circumcised and Felix was not. The Jews resented the marriage, and Jonathan, the high priest, who had secured for Felix his procuratorship, admonished him for his conduct, and also for his misgovernment. Nero soon came to the throne in Rome. His conduct had its effect on Felix.

Josephus writes: "Now, as for the affairs of the Jews, they grew worse and worse continually; for the country was again filled with robbers and impostors, who deluded the multitude. Yet did Felix catch and put to death many

of those impostors every day, together with the robbers." The iron hand ruled. The death sentence was meted out by Felix as freely as by his master Nero. He promised one Eleasar the assurance of governmental protection upon his arrest in a robbery and then summarily sent him to Rome.

His conduct toward Jonathan, the high priest who had assisted him to office, reveals his diabolical disposition. " Felix also bore an ill will to Jonathan," we are informed by the historian Josephus, " because he frequently gave him admonition about governing the Jewish affairs. So Felix contrived a method whereby he might get rid of him; for such continual admonitions are grievous to those who are disposed to act unjustly." The outcome was that one Doras, a false friend of Jonathan, was hired by Felix to employ a group of robbers to assassinate Jonathan. The plot was a success. With daggers under their garments they slew Jonathan, disguised as worshipers at the festival. Josephus continues, " They slew others in the temple itself also; for they had the boldness to murder men there, without thinking of the impiety of which they were guilty. And this seems to have been the reason why God, out of his hatred to these men's wickedness, rejected our city; and as for the temple, he no longer esteemed it sufficiently pure for him to inhabit therein, but brought the Romans upon us and threw a fire upon the city to purge it; and brought upon us, our wives and children slavery, as desirous to make us wiser by our calamities." Such was the treacherous and barbarous murder of the high priest Jonathan, by the direction of the heinous Felix. He was a Nero at heart, but limited in the scope of his authority and action.

As noted above, Felix was recalled to Rome in A. D. 60.

His entire rulership was a period of internal strife and intrigue, he being accused before Nero by the principal Jewish men of Cæsarea. His brother Pallas, who exercised a great influence in Rome, saved him. Paul was at this time in prison at Cæsarea, having been left there by Felix.

Of such a character was the man before whom Paul stood for trial, with the fanatical Jews asking for his death.

C. Festus

Porcius Festus was sent as the successor of Felix. This man was welcomed by the same internal disturbances which had heretofore prevailed. Enmity, hatred and revenge rankled in the hearts of the leaders. Rome was despised and held in contempt. The spirit of revolt was running high, while religious fanaticism was literally tearing the nation apart. Impostors and false Messiahs continuously appeared and vanished. Josephus tells us that "upon Festus's coming into Judea, it happened that Judea was afflicted by the robbers, while the villages were set on fire and plundered by men. And then it was that the *sicarii,* who were robbers, grew numerous."

The reign of Festus seems to have been comparatively short, ending in his death. Nero appointed Albinus to be his successor. Festus appears to have been a reasonable ruler, possessed, as would be expected, with a desire to ingratiate himself with the Jews; prompted to act out of expediency rather than principle.

What a contrast of personalities we experience as we usher in the Apostle to be tried before men of such character, and to defend himself under circumstances characterized by robbery, religious hatred and bloodshed.

Such were the men before whom Paul appeared.

V

PAUL AT JERUSALEM

PAUL AT JERUSALEM

It was the spring of 58, at the Pentecostal season, that the great Apostle, the chief character of our study, arrived from his active ministry in Asia and Greece, at Jerusalem.

On the voyage homeward he had visited Miletus to say farewell to the brethren of Ephesus. Here—probably on the dock—beneath the glory of the brilliant Oriental sky, with the tides of the great sea rolling at his feet, he kneels in prayer, and weeps with his converts—"And when he had thus spoken he kneeled down and prayed with them all. And they all wept sore, and fell on Paul's neck and kissed him, sorrowing most of all for the word which he had spoken, that they should behold his face no more. And they brought him on his way unto the ship" (Acts 20:36-38). With the fading of the shore in the far distance, as the vessel sped on in its course to the ancient port of Ptolemais, we may behold the man of destiny gazing across the rolling tides, as though he were visualizing the tides of struggle which lay between him and the eternal harbor. What could he have been thinking at this moment? He was convinced in his heart that he would never look upon the faces of his brethren again. But a few moments before he had looked upon them and said, "But I hold not my life of any account as dear unto myself, so that I may accomplish my course, and the ministry which I received from the Lord Jesus, to testify the gospel of the grace of God. And now, behold, I know that ye all, among whom I went about preaching the kingdom, shall see my face no more" (Acts 20:24,

25). The farewell of Paul at Miletus was not to be duplicated in the missionary enterprise of Christianity till that noble apostle Livingstone stood in the depths of Africa beneath the tropical forest and waved good-bye to the intrepid Stanley. Such scenes bear testimony to the utter disregard of self which took possession of these men, that the gospel be preached to all the world. Paul stood on the deck that day conscious in his soul that the gathering storm between the authorities at Jerusalem and himself was bound to break about him upon his arrival in the Holy City of Israel.

With a brief visit at Tyre, the crusader disembarked at Ptolemais, on his way to the home of Philip the evangelist, at Cæsarea, built by the Herods: "And on the morrow we departed, and came unto Cæsarea, and entering into the house of Philip the evangelist . . . abode with him" (Acts 21:8). From here he was determined to go to Jerusalem. What was the situation in Jerusalem?

As discussed in a former chapter, the persecution of the Christians, whether Jewish or Gentile, began with the Jews at Jerusalem. Stephen fell a victim to their policy of extermination, and Saul, the persecutor, was consenting unto his death. Saul had been transformed by the power of the Living Christ to Paul, Apostle of faith and grace. But the brethren of the Temple had become more zealous in their bigotry for the ritual of the nation. To them he was a traitor to the cause of God as declared in the Mosaic law. He had departed in pomp from Jerusalem to Damascus as a patriot; he had arrived at the Syrian city a beaten man, to become the enemy of the prophets, the law and the temple. Within a space of three years he appeared upon the scene a bold, aggressive follower of the Nazarene, whom they had cru-

cified. Still more, he testified to having seen the Nazarene while on his journey to Damascus—thus claiming original authority as an apostle of this Jesus. To them he was a dangerous person in Israel, guilty of treason to the Hebrew nation.

In considering the great controversy, which raged for years between Paul and the church at Jerusalem, we must ever keep before our minds that "*truth*" does not depend upon majority vote. The rule of the majority is a sound principle of democracy, but in the realm of the divine it becomes a trespasser and a barrier to human progress. The torch of divine light seems to be entrusted by the eternal God to but few, and in most instances to but one, of the vast multitudes of earth. It becomes therefore an imperative duty upon each succeeding generation to be possessed with a spirit of Christ-like tolerance for the misguided zeal of those of a past age. Paul was in the midst of a great conflict. He held the divine torch. His opponents zealously, though misguidedly, clung to a past order. In his letter to the Galatians, in answer to these Christian Judaizers, the Apostle belligerently strikes back with the words: "For I make known to you, brethren, as touching the gospel which was preached by me, that it is not after man. For neither did I receive it from man, nor was I taught it, but it came to me through revelation of Jesus Christ. . . But when it was the good pleasure of God, who separated me, even from my mother's womb, and called me through his grace, to reveal his Son in me, that I might preach him among the Gentiles; straightway I conferred not with flesh and blood: neither went I up to Jerusalem to them that were apostles before me" (Gal. 1:11-17).

The opposition to Paul, as indicated, was twofold. He

was despised by his former colleagues as a traitor; he was opposed by the Christian Jews of the Christian Jewish Church in Jerusalem, known as "the Judaizers." We are now dealing with the church at Jerusalem prior to the separation of the Jewish Christian group of Jerusalem and the Gentile Christian group, which latter group came to be the Christian church of the Gentile world. It was a period of growth and transition. The master mind of the Apostle had sufficient capacity to visualize the future and therefore he soon found himself standing alone, misunderstood before his brethren. His genius kept company with loneliness like unto his Lord's.

What was the issue? Broadly speaking, it was the failure of those in the church to apprehend the universal nature of the gospel of Christ. They felt that the message of the Messiah was simply to be the consummation of the Jewish hope for Israel. They had given little heed to the words of Jesus, "Other sheep I have, which are not of this fold." They had failed to ponder the words of the Master that there might be "One fold, and one shepherd" (John 10:16). In their zeal for the faith of the past they became lost in the legalism of their ecclesiastical system, utterly failing to grasp the true revelation of their Christ, which was for all mankind. Therefore, if God's favor would be extended to the Gentile, he must subscribe to the ordinances of Israel and become obedient to the Mosaic code, making himself a child of Abraham. They insisted that the Gentile must become a Jew, and in doing so must not only accept Jesus as the Messiah, but must embrace the laws of Moses and be circumcised. The rite of circumcision proved to be the contention point. This requirement was to be an absolute requisite for admission into the church,

for, "Except ye be circumcised after the custom of Moses, ye cannot be saved" (Acts 15:1). These words, spoken at Antioch by Jerusalem Jews, led to the historic Jerusalem Council: "And when Paul and Barnabas had no small dissension and questioning with them, the brethren appointed that Paul and Barnabas, and certain other of them, should go up to Jerusalem unto the apostles and elders about this question" (Acts 15:2).

At this Council the question was temporarily settled, but no final decision for the church was unanimously accepted. The apostles and elders agreed with Paul, who had been supported by Barnabas, Peter and James; for they could not deny the witness of the Holy Spirit among the Gentiles. They therefore wrote unto the churches making no demand that the Gentiles be circumcised, but only enjoining them to abstain from the Oriental custom of meat offerings in sacrifice to idols, and other practices of immorality and heathenism. The apparent minority created no disturbance in the Council, though they did speak, for Luke records: "But there rose up certain of the sect of the Pharisees who believed, saying, It is needful to circumcise them, and to charge them to keep the law of Moses" (Acts 15:5). No church letter could silence the convictions of the soul founded upon the Jewish teachings of the past centuries. Stalker writes: "Although the authority of the apostles determined the official note which was sent to the distant churches, the Christian community at Jerusalem was agitated with storms of angry opposition to it. Nor did the opposition soon die down. On the contrary it waxed stronger and stronger. To such a height did this opposition rise that the party which was inflamed with it at length resolved to send out propagandists to visit the Gentile churches one by one,

and in contradiction to the official rescript, warn them that they were imperiling their souls by omitting circumcision, and could not enjoy the privileges of true Christianity unless they kept the Jewish law."

To these propagandists Paul answered with the crushing blows of the letter to the Galatians. He spared no words to expose their teaching. He sustained his apostleship. His ministry was at stake. He realized that Christianity for the Gentile hung in the balance, for he knew that neither Greek nor Roman would submit to the rite of circumcision. If such was to be the case, the Christians would be merely a Jewish sect. Such was not his conception. Therefore, "If ye receive circumcision Christ will profit you nothing. Yea, I testify again to every man that receiveth circumcision, that he is a debtor to do the whole law. Ye are severed from Christ, . . ye are fallen away from grace. For we through the Spirit by faith wait for the hope of righteousness. For in Christ Jesus neither circumcision availeth anything, nor uncircumcision; but faith working through love." He then asks: "Ye were running well; who hindered you that ye should not obey the truth? This persuasion came not of him that calleth you" (Gal. 5:2-8). "For freedom did Christ set us free: stand fast therefore, and be not entangled again in a yoke of bondage" (Gal. 5:1). "To him far more than to any of them the law had been a yoke of bondage. To his mind to impose the yoke of the law on the Gentiles would have been to destroy the very genius of Christianity" (Stalker).

Paul entertained no objection to the Jewish Christians being circumcised, but he did object, with all the vigor of his soul, to the imposition of the Jewish law upon Gentiles. If such should occur the door of Christianity

would be closed to the world. Nor did he carry on any teaching to urge the Jewish Christians to forsake the law. His mind entertained no argument of the forms of religion, for he went to the depths of the soul life, being tremendously concerned with the relationship of the soul to its God. In Second Corinthians 3:6, he writes, "Not of the letter, but of the spirit: for the letter killeth, but the spirit giveth life."

This controversy—the growing pains of the infant Christian church—continued for many years, at times becoming very bitter and intense. It spread to every church of Paul's ministry, from Antioch to Corinth; and no doubt to Rome. It followed Paul across the years of his crowded ministry. He was the arch enemy of the Judaizers as well as of the Jewish authorities who had rejected the Galilean.

Furthermore, as the leader of the Christian movement in the Roman Empire, Paul was looked upon by the community at large as a dangerous man to society. We have previously discussed the attitude of Rome to Christianity. Here was the instigator of this aggressive, proselytizing, intolerant, rapidly spreading cult, infesting the life of the Empire even to the very household of the Cæsars. With citizenship in another kingdom, they had withdrawn from the life of the society about them. At Corinth Paul had been brought before the judgment-seat of Gallio; at Philippi he was condemned by the magistrates and cast into prison; while in Ephesus a city riot arose, the people crying out in the theatre for a space of two hours, "Great is Diana of the Ephesians!" (Acts 19:34.) He had become a veritable storm-center. What was to occur next? Was society to be so disturbed? Was Roman law and order to be so challenged? Was it not the first duty of

the state to guard its own safety and in so doing to preserve the peace?

On his way to Cæsarea Paul stopped at Miletus. From this port he sent for the elders of the church at Ephesus. Why did he not go in person to Ephesus? Was it safe for him to do so? We have considered to some extent the political situation in Jerusalem under the rulership of Felix. Religious bigotry and fanaticism reigned, with Felix exercising his full power to the death sentence to maintain order. Political intrigue was rife. Felix had accomplished the death of the high priest Jonathan by having him slain by assassins, presumably while attending the temple worship. The incident of the Egyptian impostor had recently occurred. Of this Josephus writes: "Moreover, there came out of Egypt about this time to Jerusalem, one that said he was a prophet, and advised the multitude of the common people to go along with him to the Mount of Olives, as it was called, which lay over against the city and at the distance five furlongs. He said, further, that he would show them from hence how, at his command, the walls of Jerusalem would fall down; and he promised them that he would procure them an entrance into the city through those walls when they had fallen down. Now when Felix was informed of these things, he ordered his soldiers to take their weapons and come against them with a great number of horsemen and footmen, from Jerusalem, and attacked the Egyptian and the people that were with him. He also slew four hundred of them and took two hundred alive. But the Egyptian himself escaped out of the fight, but did not appear any more. And again the robbers stirred up the people to make war with the Romans, and said they ought not to obey them at all; and when any persons would not

comply with them, they set fire to their villages and plundered them." With the fires of fanaticism temporarily smoldering, it needed but a new breeze to fan them into a new conflagration.

Such were the conditions when Paul stepped to the dock at Ptolemais and journeyed to the home of Philip the Evangelist at Cæsarea. Would he go up to Jerusalem at such a time as this? If Paul did not know the exact situation, we read he was advised by his brethren not to endanger his life in the holy—or rather wicked—city. They pleaded with him, but in vain. He must go to Jerusalem. Was he not duty bound to deliver the missionary funds he had gathered to the Jerusalem church? Paul was not a man to shrink from opposition or danger. Was he not equipped with the whole armour of God? Opposition rather increased his courage. He was like a lion set for the battle. Death meant nothing to his dauntless spirit that he testify for his Lord. His soul could give utterance to those heroic words, "For to me to live is Christ, and to die is gain" (Phil. 1:21). The power of the eternal God had taken possession of his very being. Of this incident at the home of the evangelist, Luke writes: "And as we tarried there some days, there came down from Judæa a certain prophet, named Agabus. And coming to us, and taking Paul's girdle, he bound his own feet and hands, and said, Thus saith the Holy Spirit, So shall the Jews at Jerusalem bind the man that owneth this girdle, and shall deliver him into the hands of the Gentiles. And when we heard these things both we and they of that place besought him not to go up to Jerusalem. Then Paul answered, What do ye, weeping and breaking my heart? for I am ready not to be bound only, but also to die at Jerusalem for the name of the

Lord Jesus. And when he would not be persuaded, we ceased, saying The will of the Lord be done" (Acts 21: 10-14). The die was cast; Paul must go to the Holy City.

Not many hours elapsed before we find Paul at Jerusalem in the presence of James and the elders of the Jerusalem Church. The offering for the church was presented to the assembly of the elders, a love-gift from the churches of Asia. A glorious report of the work in Asia was rendered, bringing great joy to the assembly: "And . . . he rehearsed one by one the things which God had wrought among the Gentiles through his ministry. And they, when they heard it, glorified God" (Acts 21: 19, 20). James and his colleagues realized the position of Paul, perhaps better than he himself did, as to his relationship with his opponents in Jerusalem. They were residing in the city, and with first hand contacts were convinced that Paul must take some action at once to allay all fears on behalf of the Jews that he had been teaching men to forsake the law of Moses. They therefore at once presented the issue to him with their proposal: "Many thousands . . . have been informed . . . that thou teachest all the Jews who are among the Gentiles to forsake Moses; . . . they will certainly hear that thou art come" (Acts 21: 20-22). Something must be done at once if disaster is to be averted. They immediately propose that Paul join with four men who had taken the Nazarite vow, and that he go with these men to the Temple and perform the act of purification, and then, "all shall know that there is no truth in the things whereof they have been informed concerning thee" (Acts 21: 24). Paul, recognizing the wisdom of the suggestion and willing to prove his loyalty and respect to the law of his fathers, consented to the proposal. It was his heart's desire to win both the church

of Jerusalem and the Gentile church of Asia for Christ. He was a Jew to all Jews and a Gentile to all Gentiles, that he might win some for Christ. The Christian church must be one. Conybeare and Howson hold that it was the day of Pentecost upon which he set forth to the Temple to prove to his brethren his faithfulness to the law of Moses.

The city was crowded with Jews from every section of Palestine and the Mediterranean provinces. The zealous worshipers of Alexandria, of Greece, of Asia, had come up for this most sacred occasion. The entire life of the city, disregarding all interests of a temporal nature, was centered upon this season of worship to Jehovah. The religious feeling was intense, finding its supreme expression in the services of the Temple. This sanctuary was uppermost in the thinking and the prayers of all Jewry. It was a High Season in Israel. With his four friends Paul devoutly entered the Temple in performance of their vow. His enemies kept close watch of their adversary. Seeing him in the Temple, the Judaizers of Jerusalem must have termed him a hypocrite to his faith, but they could not attack him without a just cause before all the people. But in this vast crowd we read there were "Jews from Asia" (Acts 21:27), who were no doubt seeking an opportunity for revenge against this impostor. It is altogether reasonable to conclude that they came from Ephesus, the city of the riot. During the next six days they watched Paul go into the Temple, and also observed him on the street with an Ephesian Gentile by the name of Trophimus. They then did what all do who are blinded by hatred and religious bigotry. On the seventh day they beheld him again in the Temple and in the heat of their rage and bigotry supposed that he had brought

Trophimus into the Temple. This supposition nearly brought death to the Apostle. In jumping to such an unwarranted and unfounded conclusion, all control vanished. Literally, as beasts let loose in a Roman arena, in the very Holy Place of the sacred Temple they sprang upon their enemy, crying out in utter madness, "Men of Israel, help: This is the man that teacheth all men everywhere against the people, and the law, and this place; and moreover he brought Greeks also into the Temple and hath defiled this holy place" (Acts 21:28). Far from them was the realization of the defilement of their own hearts. Their pent-up hatred, as a bomb, had exploded; the conflagration began. A furious mob swayed by every new breeze of fanaticism rushed upon the victim. The alarm spread throughout the Temple and into the city. The priests rushed to the preservation of their holy house. A mighty rush without the gates to save the sacred structure ensued. From all sections of the city thousands swelled the angry crowd. Paul was thrown out of the sacred enclosure to the Court of the Gentiles. Blow upon blow fell upon him. The heavy gates separating the outer courtyard from the inner precincts of the Temple were hurriedly shut by the priests, to hold the crowd in the outer court. Paul had been jostled down those steps in which had been carved the inscription, "Let no foreigner enter within the screen and enclosure surrounding the Sanctuary. Whosoever is taken so doing will himself be the cause that death overtaketh him." In a few moments his soul might have departed to realms beyond and his body have been pulled to pieces by the inflamed mob—but the unexpected happened.

Presently, through the dense, wild crowd, the Roman guards, stationed in the castle of Antonia, pushed their

way, beating back Paul's assailants. The flashing arms of the imperial troops soon stemmed the tide. Lysias, the chief captain, beholding the uproar from the tower overlooking the Temple area, soon took command of the riotous situation. Paul, the center of the disturbance, was chained by each hand to a soldier. The troops held back the raging crowd foiled of taking the life of its victim. The mind of Lysias was filled with thoughts of the rebel Egyptian of whom we have already taken note. He at once demanded who the man was and what he had done, but only received an uproar of accusations in reply. He then gave orders for the prisoner to be taken to the barracks, when the multitude pressed so upon the guards that it was necessary to lift Paul to their shoulders to ascend the staircase of the tower, while the multitude cried out as before Pilate, "Away with him!" The storm had broken. In the good providence of a protecting God, Paul had been saved in the tempest.

But Paul had not lost his presence of mind. He was not like a ship wrecked on the rocks or a general unhorsed. He at once turned to Lysias and in the Greek tongue requested that he be permitted to speak to the people. Lysias was soon disillusioned as to his thoughts of the Egyptian, and finding Paul a Jew granted the request. From the stairs Paul beckoned to the people and a calm settled upon them—Luke says, "a great silence." Paul began to speak in the Hebrew tongue. The genius of the Apostle had mastered this dire situation. His voice held them breathless. We shall not enter into a discussion of this address. Paul held their attention up to where he declared that Jesus had commissioned him to go "far hence unto the Gentiles." Then the storm again broke loose, for "they lifted up their voice and

said, Away with such a fellow from the earth; for it is not fit that he should live!" (Acts 22:22.)

At this moment Claudius Lysias ordered Paul to be taken into the castle and examined, by scourging, in order that he might know the cause of the disturbance. This was an illegal act under the Lex Porcia (of 256 B. C.), which made it a penal offence to inflict stripes or torture on a citizen. The thongs had been tied upon the prisoner, when he once again spoke, this time striking fear, if not an unhappy surprise, into the heart of the Roman guard: "Is it lawful for you to scourge a man that is a Roman and uncondemned?" The centurion presented himself to Lysias at once. Lysias did not wait to send a reply but hurried into the presence of the prisoner and spontaneously inquired, "Tell me, art thou a Roman?" Paul answered, "Yea." And the chief captain answered, "with a great sum obtained I this citizenship." Paul said, "But I am a *Roman born.*" The chief captain was afraid, "when he knew that he was a Roman, and because he had bound him" (Acts 22:27-29). Lysias was speechless.

Of this officer Buss remarks, "Nothing whatever is known of him except what we read in the Acts." From the record of Luke we gather that he was a Roman citizen, no doubt of Greek birth, and the commandant of the Fortress of Antonia. His citizenship was purchased. As commandant he was the chief Roman officer in Jerusalem, holding the office of military tribune under the procuratorship of Felix. The procurators all resided at Cæsarea, surrounded by a Roman atmosphere, rather than in the Jewish environment of Jerusalem. As military commander Lysias was in charge of a cohort of troops, comprised of infantry and cavalry numbering about one

thousand men. These were quartered in the castle of Antonia and the old palace of Herod, in the upper city, under the immediate command of six centurions. Under the Roman law a magistrate was permitted to take an individual into custody without a warrant of arrest when knowledge of the offense existed. In this case the breach of the peace had occurred in the presence of Lysias who had witnessed the disturbance from the tower of Antonia; therefore justifying him in taking Paul into custody. For the attempted act of scourging he was, to the contrary, without authority. Paul being a Roman and uncondemned by a court trial, such an act, as above noted, was illegal under the Lex Porcia. This law provided that before a citizen could be submitted to the criminal punishment of scourging he must first be tried and found guilty of the charge alleged, by a competent judicial body. Ignorance on behalf of the offending official was no excuse. Hence did Lysias refrain from scourging the prisoner, even fearing because "he had bound him" (Acts 22:29). Lysias immediately pursued a far different procedure.

A free-born citizen from this point on, Paul held his adversaries at bay. He was to stand in the court of Cæsar with the full rights of a citizen of the Empire. There was to be no more Jerusalem mob violence, in the case of Paul.

That night Lysias, in the pursuance of his duty, planned to find out the cause of this trouble, that he might be able to report to Felix at Cæsarea. On the morrow, in keeping with this purpose, he called the Sanhedrin together and allowed Paul to appear before that body. Luke gives no indication of a court trial at this hearing. By this hearing Lysias had hoped to gain some exact knowledge

and perhaps find a way out of this difficulty, but the hearing in this instance also resulted in a riot, with nothing accomplished. It may be correctly stated that this hearing was not a legal trial of the issues involved between Paul and his enemies; so we need not go into it, except to say that Paul very cleverly threw the two parties—the Pharisees and the Sadducees—against each other on the contentious theological subject of the resurrection. In this action the Jewish officials, as a direct result of their theological bigotry, lost their opportunity to try Paul before their own court, under Roman protection.

There was nothing for Lysias to do but to forward this case to the procurator at Cæsarea. It was now his duty to prepare a report, known as the *elogium,* to be transmitted to Felix. This document drawn by Lysias set forth the seizure of Paul by the Jews; his rescue; his Roman citizenship; his being before the Sanhedrin; his innocence in the mind of Lysias; the accusation and the plot to kill the prisoner. The exact legal nature of this instrument will be discussed in the following chapter. "And when it was shown to me that there would be a plot against the man, I sent him to thee forthwith, charging his accusers also to speak against him before thee" (Acts 23:30).

Paul's nephew had heard of the plot and came to the castle, informing Paul, who sent him to Lysias. Knowing the Jewish temper, Lysias prepared a strong guard of two-hundred soldiers, seventy horsemen and two-hundred spearmen, and under the cover of night delivered Paul safely to Felix at Cæsarea: "So the soldiers, as it was commanded them, took Paul and brought him by night to Antipatris. But on the morrow they left the horsemen to go with him, . . and they, when they came to Cæsarea

and delivered the letter to the governor, presented Paul also before him" (Acts 23:31, 32).

The Caput

A citizen's civil personality, under the Roman Law, was termed his CAPUT. The theory of the early law of Rome in regards to citizenship was primarily personal. In this respect a citizen abroad in a foreign state was subject to the laws of the said state even to being treated as a slave. The citizen of the United States, however, wherever he may be, carries with him the governmental protection of his person, whether he be upon the high seas or in the interior of China or Brazil. This principle is set forth by Chief Justice John Marshall in the following words: "The American citizen who goes into a foreign country, although he owes local and temporary allegiance to that country, is yet, if he performs no other act changing his condition, entitled to the protection of his government and if he should be oppressed unjustly, he would have a right to claim that protection and the interposition of the American Government in his favor would be considered as a justifiable interposition." Justice Miller states, "Another privilege of a citizen of the United States is to demand the care and protection of the federal government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States."

Citizenship, we find in our modern jurisprudence, carries with it vital and valuable rights pertaining to property, liberty, and life. Under the Roman system it was even of greater value in view of the fact that the great majority of the population were slaves.

Roman subjects were divided into two great classes, *freemen* and *slaves*. The majority of the *populus* were slaves. A slave was destitute of all rights. He was considered a mere chattel. Any property that he used was owned by his master and used with his master's consent. The master was absolute, holding the power of life and death. History records that when Pedanius Secundus, a prefect of Rome, was killed by a slave, not only was the murderer executed, but four hundred other slaves paid the price. Such was the gulf between the freeman and the slave.

An individual may be a freeman by birth or by purchase—as was Lysias. A city might be granted freedom, or citizenship might be purchased—which became a general practice in the days of the Empire. The *caput* represented the rights of citizenship. The citizen enjoyed full privileges, both political and civil. Politically he was vested with the right of voting in the Comitia—*jus suffragii*. He was eligible to all public offices and magistracies—*jus honorum*. He possessed the right of appeal in all cases—*jus provocatione*. This last right proved of supreme value to the Apostle. Civilly, the citizen, among many other rights was possessed with power over the family, of life and death; the right to acquire, hold, and transfer property of all kinds; and make contracts according to law. Paul was freeborn. He possessed the full powers conferred upon him by the Roman law, both political and civil. He knew how to exercise these rights; as we shall see.

VI

TRIAL BEFORE FELIX

TRIAL BEFORE FELIX

Born a slave and having acquired a crown; born a freeman and having been chained in bonds, Felix and Paul faced each other that memorable day. Not since the appearance of the Galilean before the Roman procurator had the principles of Christianity and the Græco-Roman world met in a legal tribunal. Of all the eminent trials of history, this stands side by side with that of Jesus before Pilate. Here the first legal contest for a world Christianity was to be fought.

As we have already seen, the hearing before the Sanhedrin had ended in a riot; Paul being rescued by Lysias, and sent to Cæsarea to be tried before the procurator.

It now becomes our duty to apply the rules of procedure of the provincial courts, outlined in a former chapter, in order to ascertain as to what actually took place in the trial of Paul before Felix.

First Stage

Paul appears in a Roman court as a Roman citizen to be tried according to Roman law and rules of procedure. Felix is the judge; Ananias, judge of the Sanhedrin, takes to himself the rôle of prosecutor; Paul is his own advocate. The proceedings are held in Latin, the court language of the day. The *caput,* the civil personality of a Roman citizen, was affected and strict procedure must be followed.

The procedure was instituted in this case by the official letter of Lysias, known as the *elogium,* which was ad-

dressed to Felix, containing the gracious salutation, "Most excellent governor Felix, greeting" (Acts 23:26). With this document Paul was delivered into the custody of the procurator.

The application to prosecute, *postulatio,* the charges in writing, *inscriptio*—signed by the prosecutor, the *subscriptio,* were contained in this instrument. The high priest Ananias being in charge and control of the prosecution, there was no necessity for the choice of a prosecutor among the accusers; the process of *divinatio* being unnecessary.

Upon Paul's arrival at Cæsarea he was subjected to a preliminary inquiry, the *interrogatio,* to determine his provincial status, and he was then remanded to the palace of Herod. When Felix had read it, the *elogium,* Paul was asked of what province he was. When Felix understood that he was of Cilicia—"I will hear thee fully, said he, when thine accusers also are come: and he commanded him to be kept in Herod's palace" (Acts 23:34, 35). There is this distinction to be noted in the application of the rules of procedure as heretofore outlined. The *elogium,* rather than the *postulatio,* instituted the proceedings. The fact is, Paul and his accusers were in Jerusalem and the court was located in Cæsarea. We therefore find the accusations being brought and the indictment framed before Lysias the Roman official which were to be transmitted to the court at Cæsarea. Hence we hear Felix saying to Paul, after reading the report of Lysias, "I will hear thee fully when thine accusers also are come" (Acts 23:35). A day is set for trial, while Paul awaits in Herod's palace. At Rome ten days were allowed for preparation for trial. In this case the practice required a trial within three days for one appear-

ing under an *elogium;* but Felix allows "five days" (Acts 24:1) for the accusers to arrive from Jerusalem; granting sufficient time for the messenger to travel to Jerusalem, a two-day journey, and two days for the parties to come to Cæsarea. It is seen that no time was lost. Within the allotted period all the parties are at Cæsarea and the day of trial is at hand.

Second Stage

The Holy City but a few days before had been in a condition of riot; the horsemen of Lysias had saved Paul from it, and from a tortuous death. The heretic was to be tried. The eyes of all Jewry were literally turned toward the court of Felix. The death penalty was to be demanded. The charge of treason had been lodged against the traitor.

Felix, symbol of intrigue and treachery, at war with his subjects, must try this Jewish Christian who by this time had become the talk of all Asia. The Christian sect was rapidly coming to be considered a menace to society and the Empire. Not only was Jerusalem concerned, but Cæsarea and Rome were also concerned with the issues of this trial. Felix was well aware of the ruthlessness of his master Nero. It was not many days before he actually was recalled and stood trial for his acts as procurator before this emperor.

Well might we picture that historic scene. In the provinces the courts were as much like the tribunal at the Imperial City as they could possibly be made. Court room, dress, customs, procedure, must be in keeping with Rome. In such an atmosphere must court be held. Hence we may think of Felix in the Prætorium at Cæsarea, garmented in royal apparel, seated upon the ivory inlaid

sella curulis—such as the magistrates of Rome occupied —with his clerks, lictors and attendants about him. The majesty of the Roman law demanded the utmost dignity and pomp. On lower seats we behold the bloodthirsty Jews who despised this court before which they hoped to accomplish their deadly purpose.

To the left we view another group, composed of the closest friends of Paul. Most anxious are they to see the face of their beloved leader. With intense eagerness do they await his entrance, to prove to him their loyalty by their presence upon this momentous occasion. It seems most reasonable to think of James, Luke, Cornelius—of the Italian band—Aristarchus—who went with him to Rome—and Paul's nephew as being among this group.

The remainder of the court-room is given over to the *populus,* under a strong guard. That Romans, Jews, and Christians from Philippi, Corinth, Ephesus and Jerusalem, constituted this interested crowd is to be little doubted.

At the appointed hour the prisoner in chains is summoned (*citatio*), before the bar by the crier. Between the Roman guards we behold the Apostle, with steady manner and strength of countenance, as a lion at bay. The spirit of courage and the nobility of a divine purpose seem to radiate from his benign but commanding person. The outstanding genius of this era of human history is to be tried for the crime of high treason. At a word of the Justice the trial begins.

The prosecutor Tertullus arises to proceed with the prosecution. "And when he was called, Tertullus began to accuse him" (*accusatio*). But may we ask, who was this prosecutor? There can be but little doubt that Tertullus was a Latin, acquainted with the Roman criminal proce-

dure. It was the custom of the day for young, ambitious lawyers, desiring to practise in the courts at Rome, first to acquire a knowledge of the practice by attaching themselves to a provincial official, to gain the necessary court experience. The Latin language was the court language, hence the Jewish officials were compelled to employ a Roman pleader. In the case of Jesus they could verbally cry out their charge, but not so in the Roman court. Here the Jew was compelled to bow his head to Rome. We have every reason to believe that the trial of Paul was so conducted and that Tertullus, being a Roman, was employed by the high priest to conduct the prosecution. That this gentleman was a man of large experience is revealed by his adroit handling of the case.

Addressing the court in opening the case, beginning with words of flattery to Felix, he revealed at once a keen understanding of human nature. A proud smile must have possessed the kingly slave as he sat in his chair of justice. The accumulated power of the centuries, including that of life and death, was in his hands. The talented orator began: "Seeing that by thee we enjoy much peace, and that by thy providence evils are corrected for this nation, we accept it in all ways and in all places, most excellent Felix, with all thankfulness. But, that I be not further tedious unto thee, I entreat thee to hear us of thy clemency a few words" (Acts 24:2-4).

He then proceeds with the charges, or indictment (*accusatio*), which he presents in three counts: First, a public enemy throughout the Empire—"for we have found this man a pestilent fellow and a mover of insurrections among all the Jews throughout the world." Secondly, "A ringleader of the sect of the Nazarenes." Thirdly, A profaner of the temple—"who moreover assayed to

profane the Temple" (Acts 24:5, 6). The charges, then, were Treason, Heresy, and Sacrilege.

We shall consider these charges as given. It is perfectly evident that the high priest, in making the charge of treason, was endeavoring to apply the same tactics before Felix that had been successfully used before Pilate. We have seen in a previous chapter the attitude of the Roman toward the Christian. The Christian was fast becoming a menace to the Empire. It is significant that not one word is said in this indictment as to the violation of the Mosaic law of circumcision, because the priests and the elders were clever enough to know that such a charge could hold no weight in a Roman court. Paul had determined to stand trial as a Roman, though he was a Hebrew of the Hebrews. This embittered them the more. Therefore they would play upon the mind of Felix by reminding him that, "this man is a pestilent fellow and a mover of insurrections among all the Jews throughout the world." They knew the popular sentiment concerning the Christians. They knew what meaning the word "insurrection" held for Felix in troublous Palestine. They also knew that Nero was absolute in his policy toward the procurators and would hold Felix responsible for any further internal uprisings among the Jews and Gentiles of Palestine. Had not this fellow been driven out of Antioch? Had he not been stoned at Lystra? Had not the Roman magistrates imprisoned him at Philippi? Was he not accused of treason at Thessalonica? Had he not been haled before Gallio for a disturbance? And above all, was he not responsible for a breach of the peace at Ephesus, resulting in a city-wide riot? Moreover, at Jerusalem, within the province of Felix, internal strife

and disorder broke out almost instantaneously upon his entrance into the city.

In discussing the charge we find that the High Priest had much in his favor. But was Paul guilty of the crime of treason? He had been charged with insurrection. What is the crime of insurrection? In Corpus Juris we read, "Insurrection is any open and active opposition of a number of persons to the execution of the laws . . . of so formidable a character as to defy for the time being the authority of the government, even though not accompanied by bloodshed and not of sufficient magnitude to render success probable. Insurrection is *of the nature of treason,* the crime being of the same general class, and differing only in magnitude and gravity. What may be in its incipiency a mere insurrection may come to be in the final proportions which it assumes and the extent of its purpose and possible results *treason.*" Insurrection in our modern jurisprudence, we note, is "of the nature of treason." In the trial of Jesus the charge was, "we found this fellow perverting the nation" (Luke 23:2). In discussing the charge against Paul, Conybeare and Howson state, "charging him first, with causing factious disturbances among all the Jews throughout the Empire (which was an offense against the Roman government and amounted to *majestas,* treason against the Emperor." Buss states that he was charged with being "guilty of treason."

What, then, was the Roman law in regard to this most serious crime? We find that in the early Republic deserters from the army were considered traitors, and punished as public enemies. In the growth of Roman law treason came to be defined as any offense against the Roman nation affecting the dignity and security of the

Roman people. Chief among the laws which defined this were the Lex Appuleia (100 B. C.) the Lex Varia (92 B. C.), the Lex Cornelia (81 B. C.), and the Lex Julia Majestatis (48 B. C.)—which was in force and applicable to the trial of Paul. This law obtained until the closing of the Empire era.

Applying this law to Paul, we ask, Had Paul committed any insult to the dignity of, or had he made any attack upon, the sovereignty of the Roman state, in conduct or teaching? Could he be held guilty of insurrection—" the nature of treason "—that might be classed as a constructive treason?

In regard to his teaching, he was teaching the " Way " of the Nazarene. He was teaching the cross, the resurrection and the principles of the kingdom of God. His conception of Christianity was a world religion. It was for both Jew and Gentile. The cross of this Jesus was his theme for all mankind. To the Corinthians he wrote, " We preach Christ crucified, unto Jews a stumbling-block, and unto Gentiles foolishness; but unto them that are called, both Jews and Greeks, Christ the power of God " (1 Cor. 1:23, 24). To the church at Rome, the capital of the Empire, from which city emanated all political power, he wrote, " I am not ashamed of the gospel: for it is the power of God unto salvation to every one that believeth; to the Jew first, and also to the Greek " (Rom. 1:16).

Christianity as understood by Paul and as preached by him was essentially aggressive and proselytizing. It sought to destroy all religions. Had not its Founder said, " I am the way, and the truth, and the life: no man cometh unto the Father, but by me "? (John 14:6.) The cross stood opposed to the idolatry of the Roman world.

It was a challenge to the Empire, in social, political and religious realms. This faith made claim to being the only true religion. All others must pass away. Religion at Rome was a political function. Was this not an affront to the majesty and dignity of the Roman state? This faith calls all men, Jew, Greek, or Roman, to bow the knee to the name of Jesus—"that at the name of Jesus every knee should bow" (Phil. 2:10). Those who failed to embrace this faith were guilty of damnation, for, "he that believeth not is condemned already" (John 3:18). These sayings in Roman ears could mean but one thing, and that, treason to society and the state.

The charge of treason raises the issue, Was it permissible for Paul to preach the teachings of the Nazarene, which were coming to be known as the teaching of Christianity? This issue continues to present itself until the final trial at Rome. Professor Ramsay finds in the decision of this vital question the granting or the refusal of a "charter of religious liberty" under the Empire.

In conduct, was Paul guilty of treason in fomenting insurrection? We must admit that everywhere he went there was opposition to his teachings, finding expression in disturbances of some form. At Thessalonica the charge was made that, "These that have turned the world upside down are come hither also" (Acts 17:6). In every city Paul proved a storm center. To those who desired to pursue their commercial enterprises under the tranquillity of Roman law he disturbed the status quo. All other religious doctrines were false—for if any man "preach unto you any gospel other than that which we preached unto you, let him be anathema" (Gal. 1:8). So zealous was the Apostle! Though this statement was leveled at the Judaizers, it reveals Paul's tenacious belief in the

supremacy of the cross over all religious teaching, be it Hebrew or Gentile. We must keep in mind that the Galatian church was preeminently a Gentile church. So overwhelmed was Paul with this faith in Jesus that his soul cried out, "Woe is unto me, if I preach not the gospel" (1 Cor. 9:16). Therefore, regardless of all consequences, whether social, economic, religious or political, he went from city to city stirring the hearts of men by a new and powerful message. If the world was to be turned "upside down," then let it happen, for Christ must be preached and mankind must be redeemed and justified before the Almighty God. If it meant the overthrow of Rome, then let the power of God rule. Whether Paul ever realized that Rome must capitulate before Christianity is a vast question. One thing is certain, he did not write that way nor did he make any direct attack on the political institutions of his day. If treason be found against Paul, it must be found in the effect of his preaching. He conducted no political campaign against Cæsar. The high priest could not charge him with any open attack upon the Roman government. He knew that. No overt act of treason could be proven. As for Paul, he must preach Christ crucified and risen. The consequences were not to be his responsibility. God must be made known to a sin-lost world.

This, it is quite evident, was fully realized by the legalists among the priests and elders. Ananias knew the legal nature of the charge he made. He could not charge a direct assault on the state of Rome and therefore only founded his charge of treason on the basis of insurrection, which was to be construed from Paul's teaching. Could Paul escape the logical outcome of this charge?

The second charge, of heresy, was linked between the first and the third. Here Tertullus charges him with being, "a ringleader of the sect of the Nazarenes." In this he is charged with being a leader among the followers of Jesus of Nazareth. The trial and crucifixion of Jesus was a matter of recent historic record. They had charged Jesus, "We found this fellow perverting the nation, and forbidding to give tribute to Cæsar, saying that he himself is Christ a king" (Luke 23:2). We note the similarity of this charge with the first charge against Paul; and not being able to charge Paul with violating the law of Cæsar, as to the tribute, or as to any other specific statute, they attempt to link him with this Jesus who made himself a king as against Cæsar, in such a manner as to imply that Paul was transferring his allegiance to another king. The charge is both subtle and full of trickery. It was an apparent charge of heresy to the Messianic hopes of Israel, but its implications were far-reaching. In a crafty way it reiterated the charge of treason, terming Paul a traitor to Cæsar.

The third and final charge was that of sacrilege; an attempt to profane the Temple at Jerusalem. The act was a twofold offense, being both against Jewish and Roman law; for the Roman law protected the Jews in the exercise of their worship. It was a breach of Roman law which protected the Jewish worship, and a violation of Jewish law which regulated that worship—profaning the sacred court by bringing the Ephesian Trophimus, as it was supposed, into the sacred area.

To summarize the charges: We find that the first was charged to be an offense against Roman law; the second, against the Mosaic law—though it contained far-reaching implications; and the third against both Roman law and

Jewish law. Surely, they had presented a strong case, likely to bring a decision of guilty.

We can picture the expression of deep approbation upon the faces of the high priests and elders as Tertullus, their champion, drew his argument to a close, when they "joined in the charge, affirming that these things were so" (Acts 24:9). Tertullus resumes his seat.

The time for the defense has arrived. What a moment in the life of Paul! Here he stands, charged with an indictment calling for death. Felix nods to Paul to begin. The Jews are silent. All eyes are upon the Apostle. No advocate is present for the defense. None is needed. The learned Crusader rises to meet the challenge. But a few days ago he had stood on the steps of castle Antonia and calmed the seething multitude as he addressed them in their mother tongue; now he faces his opponents before the bar of Cæsar, ready to defend himself in Latin, the court language of the day.

It is interesting to note his opening, as compared to Tertullus'. Not one word of flattery; simply a dignified recognition of the experience of Felix as a judge among the Jews: "Forasmuch as I know that thou hast been of many years a judge unto this nation, I cheerfully make my defence" (Acts 24:10). In his answer he proves himself a skilled advocate.

To the first charge he answers with what is known today in modern pleading as a *specific denial.* He was charged with insurrection amounting to treason. He denies the charge, stating he had not stirred up a tumult in Jerusalem, for he had been away from Cæsarea but twelve days—"seeing that thou canst take knowledge that it is not more than twelve days since I went up to worship at Jerusalem: and neither in the temple did they find me

disputing with any man or stirring up a crowd, nor in the synagogues, nor in the city" (Acts 24:11, 12). His denial is both specific, and inclusive of his activities in the Temple and the entire city. It is a direct challenge to the High Priest of his entire conduct since leaving Cæsarea.

To the second charge he further *denies* that he is a heretic, but admits that after the Way of a sect he worshiped the God of his fathers. In this answer he is appealing to a fundamental principle of Roman law which allowed each nation full freedom to worship its own gods. He was therefore within his legal rights in worshiping the God of his fathers. As to the sect of the Way, there were other sects also; for example, the Pharisees and the Sadducees. Though he was of the sect of the Nazarenes, he also held the hope of the resurrection, which the Pharisees also believed—"having hope toward God, which these also themselves look for, that there shall be a resurrection both of the just and unjust" (Acts 24:15). The Nazarene sect, he contended, was just as legal as any other of the Jewish sects in Jerusalem, and just as faithful to the "God of our fathers" (ver. 14). Hence was the sect justified under the Roman law, and not heretical in any sense. He had offered a complete defense to the charge of heresy.

To the third charge, of sacrilege, Paul pleaded another *denial,* stating he had gone to Jerusalem with alms to the nation and was not in the Temple to profane it, but rather to perform the rite of purification of the Nazarite vow. He had gathered no crowd, he had instigated no tumult, but certain Jews from Asia had stirred up the people and created a disturbance.

With these *denials* he *puts in issue* the allegations of the indictment, putting his accusers upon their proof to

sustain the charges made: "Neither can they prove to thee the things whereof they now accuse me" (Acts 24:13).

He continues, belligerently, attacking his opponents, demanding that they produce their witnesses to prove their case. We may behold him as he fearlessly glances at his adversaries and then at Felix, declaring, "But there were certain Jews from Asia—who ought to have been here before thee, and to make accusation, if they had aught against me" (Acts 24:18, 19). Thus does Paul challenge the High Priest to produce his witnesses, that the responsibility of the riot may be properly placed. Why were not the Jews from Asia brought into court? If the Jews from Asia could not be found, where are their impartial witnesses to prove the charges? Surely there were numerous participants to this riot. As a matter of fact it had involved the greater part of the city.

Herein Paul once again revealed his knowledge of the Roman law of evidence, which required at least two witnesses to establish a fact in a court of justice. The uncorroborated testimony of one witness was held insufficient to secure a conviction. Plutarch affirms this rule. Furthermore, Roman procedure made a marked difference between the evidence of the prosecution and that of the defense, in that the former was obligatory and the latter purely voluntary. The accuser's evidence was compulsory, and he was aided by the governor of the province in his search for evidence. The prosecutor must produce his evidence if he was to prevail before the court. To the contrary, the presentation of evidence of the defendant was of a voluntary nature. Paul had been about the Empire. Had he not demanded a pardon at Philippi and received it? As a Roman citizen he knew his rights,

which at this most important moment of his life he adroitly invoked in his defense. The High Priest had desired to accuse him in the Roman court and Paul as a skilled legalist held him to the letter of the Roman rules of evidence.

The Apostle further wants to know what wrong he did before the council, except that he had introduced the vexing subject of the resurrection, which threw the council into debate between the Pharisees and the Sadducees. He stands willing to face the entire situation at Jerusalem during his stay in the city. He does not deny his responsibility for that scene, but rather in the greatness of his spirit expresses a magnanimous regret. Paul does not stoop to sharp practice before the court but stands with truthful heart to speak "the truth, the whole truth and nothing but the truth." On the other hand, he demands justice according to Roman jurisprudence. With this defense he rests his case.

Third Stage

We now enter upon the final stage of this trial, the rendering of the judgment by the court. The most intense moment of this proceeding has arrived. All faces are turned to the justice on the bench. What would Felix do with this case, what would be his decision? In the city of Rome the judge, assisted by a jury, would give his verdict by means of tablets marked *absolvo,* "not guilty"; *condemno,* "guilty," or *N. L., non liquet,* "doubtful." A majority of votes decided the issue. In a trial in the provinces, before a single judge, the procedure was that of Rome, the justice rendering his decision without assistance, unless he desired to consult his advisers. Which would Felix pronounce? We are well

acquainted with the reaction of Pilate to a similar situation. Would Felix do better?

Felix had been placed in a difficult situation. Paul was a Roman citizen, but first of all he was a Jew. What was the life of a Jew to this morbid exalted slave? Had he not ordered the slaying of the high priest Jonathan, which was carried out in a treacherous manner? Had he not but a few days past sent forth his troops to kill at least four hundred more of these troublesome Jews, who had fanatically followed an Egyptian impostor? That he was compelled to give Paul the protection of the Roman law, due to his citizenship, must have pricked his spirit. He was duty-bound to protect this man according to the law whether he desired to or not. A coward at heart, much rather would he have had the Jewish Sanhedrin decide this issue.

Paul had been charged with insurrection, amounting to treason. What was Felix's reaction to this accusation? He had been procurator for approximately six years, having been appointed in the year 52. This period had been one of internal difficulties. Massacres of Galileans, of Samaritans, of Jews, had failed to bring peace to the province. Little wonder that Tertullus used the words he did in his opening, that he might appease the presiding justice. As procurator he was personally responsible to Nero. The shadow of this monster hung over him. So far he had been unable to report to his tyrannical master the establishment of peace in the border province. If he should release Paul, the Jews would no doubt assassinate him—as was their design at Jerusalem, necessitating the heavy military guard to Cæsarea. This would be the cause of more trouble. If he should find Paul guilty, then the accusers must prove their cause by competent

witnesses, according to the Roman law of evidence. This they had failed to do. Paul had offered a good legal defense. They had failed to offer any affirmative proof, outside their own accusations, to sustain their charge or to rebut or outweigh the defense. While Felix entertained very little sympathy for Paul, he hated the priests and the elders. On this score he had no particular desire to find Paul guilty. Were they not the enemies of Cæsar? They were only at Cæsarea because they could not help themselves. He knew that they held in contempt the very court before which they had pleaded their cause. Over against this was the fact that Paul was a Roman citizen. This fact placed Felix in a most embarrassing situation, to say the least. One other factor of vast importance troubled and confused the mind of this judge.

This factor was concerned with Paul's loyalty to the Empire, as a citizen, and his religious belief. That a teacher of a Jewish sect, should, under the polytheistic system of the Empire, be guilty of treason was indeed a novel situation. Had not the Empire granted tolerance to all faiths, including Judaism? Was not this sect of "the Way" a sect of Judaism? Yet here were the recognized officials of Jerusalem seeking the death of this man as a heretic to Israel and a traitor to Rome. There was an undercurrent in the case, which Felix could not ignore, that placed Paul as a citizen in opposition to Felix as the personal representative of the imperial power. It was to be recognized and admitted that while Paul had made no direct attack on the Roman state, nevertheless his teaching had set astir a spirit akin to revolution throughout Asia. Public sentiment was becoming much concerned with this new teaching. Riots had already occurred, Ephesus the climactic result. Should this con-

tinue, Nero would soon be concerned and Felix's administration questioned. By virtue of his official contact with Rome, Felix must have known this. For the first time the gospel of Christ, a new religion out of which a new civilization was to be created, stood in the person of Paul face to face against the Roman world in a legal tribunal. Christ must prevail. Felix as the representative of the Empire was confronted with a new situation. Was not this defendant the leader of this movement? He was. Had it not disturbed the economic, religious and political life of the nation? It had. This fellow was then a "pestilent fellow." Much more, he was becoming dangerous to the well-being of the state. The open clash of Christianity and Græco-Roman civilization was soon to take place throughout the entire Empire. It was not to be many years before Nero was to burn these Christians as candles in his arena, without opposition on the part of the citizens of Rome, because they had proved themselves—ostensibly—enemies to society and hence to the Empire. Trials in the Imperial City for the condemnation of these heretics and traitors were to become the accepted thing of the day, until the mere acknowledgment of being a Christian was sufficient for death, without trial.

In this matter we must recognize that the problem was one of immensity and we join with Felix in his perplexity. Who can visualize the future? Who today can perceive the historic outcome of the twentieth century, or even of the first half of this century, in social, economic, religious, or political adjustment to a new scientific spirit abroad in the world? Then how can we expect of Felix—a mediocre politician—a solution of such a gigantic problem? Was Paul guilty of treason? That question must await the personal decision of the Emperor. No matter

how we view the problem, whether religiously, politically, or legally, Paul was destined to go to Rome. The initial conflict had taken place.

We can see Felix, with perplexed countenance, as he gazes at Paul. He must have realized that here was no ordinary prisoner. His poise, his knowledge of the Latin, and his skilful pleading of the law in his own defense must have impressed even this servile procurator. That Felix was absolutely void of all sense of justice is not to be entertained, though a baser motive did dominate his life. Self-interest controlled his spirit. This we find to be true of most office-seekers throughout history. In his dilemma, this motive of life finally determined his decision. He had no doubt heard that Paul had brought with him from Asia a large sum of money to be delivered to the church at Jerusalem. If he had any doubt of the matter, this was dispelled by the testimony of Paul in his defense. He evidently thought that Paul still retained the fund; or if not, that his friends of Jerusalem would see that he secured his liberty through bribery. Here was his opportunity for self-enrichment—and also a way out. Yet he must have had knowledge of the Lex Julia, enacted in 52 B. C., which forbade any magistrate or justice of a criminal court to receive any article of value, to act in violation of his oath, or of his duty. Any justice doing so was liable to the punishment of deportation, or exile, carrying with it confiscation of property and loss of citizenship. Nevertheless, true to the spirit of a corrupt politician, feeling himself above the law, he harbored the thought of receiving a bribe from Paul for his freedom. With this motive controlling his action, hinging his legal decision on the failure of the High Priest to produce witnesses, we presently hear him announce his decision. All

ears hear him say, *non liquet,* "doubtful"—or *amplius;* for, "When Lysias the chief captain shall come down, I will determine your matter." The historian further states that, "He hoped withal that money would be given him of Paul" (Acts 24:22, 26). In a modern court we would hear the justice say, "Decision Reserved." With these words the procurator gathers his judicial robes about him and makes his august exit. The trial is ended.

We may see the High Priest and the elders, with cringing faces, gesticulating to one another, go sulking from the court room to return to Jerusalem. Tertullus has been paid his honorarium, but Paul is uncondemned. As for Paul, we read, "And he [Felix] gave order to the centurion that he should be kept in charge, and should have indulgence; and not to forbid any of his friends to minister unto him" (Acts 24:23). Paul under guard is returned to prison in the palace of Herod. The prosecution had failed, and in the decision of Felix, Paul had won a decisive victory for himself and for Christianity.

As the advocate of the emancipation of the soul is led from the court-room, there echoes in our hearts the words of the illustrious Wendell Phillips: "Whether in chains or in laurels, liberty knows nothing but victory."

Private Interview Before Drusilla

The appearance of Paul before Felix and his wife Drusilla was not in any respect a legal matter but merely a private interview at which time Paul preached to his hearers. We read that he "reasoned of righteousness, self-control, and the judgment to come," before the sinful governor. The procurator "was terrified," and dismissed Paul, still hoping to receive a bribe from him for his discharge. The legal status of the case remained the same.

In the short space of two years Felix was recalled and tried before the Emperor for misconduct in office. Only the influence of his brother, Pallas, who had secured him the position, saved him. Paul was left in prison. Festus was soon to arrive in Cæsarea; before whom our next hearing was to be held.

VII

APPEAL BEFORE FESTUS

APPEAL BEFORE FESTUS

Cæsarem Appello, "I appeal unto Cæsar," brought this hearing to a dramatic termination. Why did the Apostle plead this appeal? What did it mean?

Right of Appeal

These words were dear to the ears of every Roman citizen. They were words of liberty. This right had been obtained by the people only after centuries of struggle. It was a privilege compared by modern authorities to the English Habeas Corpus Act. They were weighty words. A justice could not deny the right of the citizen to appeal to the imperial tribunal at Rome. For an understanding of this sacred right which Paul had invoked at this critical moment of his struggle, we must keep in mind the discussion of the first chapter of this study.

Criminal Appeal

The very first right of appeal ever enjoyed by the Roman citizen was gained by the law of Valerius, the Lex Valeria of 509 B. C. (*provocatione*). This enactment provided that no magistrate should possess the power to execute a sentence of death against a citizen who had appealed to the assembly. This piece of legislation has been termed the Magna Charta of Roman civil liberty. It is one of the famous enactments of all history.

Of this statute Greenidge in his *Legal Procedure of Cicero's Times,* says: "P. Valerius, one of the first consuls, is said to have introduced a law allowing an appeal

to the people in their centuries against every sentence of a magistrate which was pronounced against the life of a Roman citizen. This Lex Valeria (509 B. C.) completed the popular jurisdiction which had been growing up during the monarchy so far as capital and corporal sentences were concerned, and from this time no power but the people has the right to sanction finally the death penalty and scourging within the walls." A beginning had been made. The guarantee proved to be merely a promise necessitating an adequate sanction to stay the execution of the sentence pending the appeal. This sanction was to be found in later laws, known as the second and third Valerian Laws, and the Porcian Law. Under the historic Twelve Tables, a codification of laws by the tribunes, no fundamental change was made. Zumpt states: "In the laws (of the Twelve Tables) through which a special penalty was pronounced for an offense, the *provocatio* was mentioned at the end, either immediately or at least mediately in that, according to the fashion of Roman laws, the Lex Valeria was declared to be unrepealed."

The second Lex Valeria was enacted in 449 B. C. and was known as the Valeria-Horatian. According to Livy it provided that no one should in the future create a magistracy from which there was no appeal, and that any one guilty of such a creation should not be protected by any law, either sacred or profane, but might be slain without protection. Such was the spirit of the Roman for this sacred right of citizenship.

The third Valeria (300 B. C.) subjected the dictator to the *provocatio* within the city of Rome, a change which, while not hampering the power of the magistracy in the provinces, prevented its use for a ruthless crushing of a so-called sedition in Rome. This law allowed the appeal

from threat of death by the axe and by the rod and from scourging. This legislation had two objectives: first, to secure an adequate sanction for the rules already established; secondly, to limit the right claimed by the Senate to establish martial law that would permit trial and execution of citizens without appeal, by this body.

These laws did not forbid the imposition of the penalty of death or of scourging, but only the execution of the penalty after the appeal had been filed. The defendant might not appeal. It was a struggle between the magistrates and the popular assembly. The object of the Porcian laws was to supply a still further sanction to these laws establishing a limitation of the power of the magistrates. One of the provisions of the Porcian laws was, to allow a voluntary exile after condemnation—previously voluntary exile had been allowed only before condemnation. There was no absolute prohibition of the rod, but the appeal did limit the power of the magistrate to carry into effect the sentence. The magistrate could sentence, but with an appeal pending could not execute the sentence. The appeal not only transferred the trial of the issues to the higher tribunal but acted as a stay of all execution on behalf of the magistrate. If an appeal was not taken, the penalty could be inflicted. This sanction became so well established that were the penalty inflicted after an appeal had been made, it was considered an offense equivalent to the crime of treason. Julius Cæsar declared in the case of the Catilinarian conspirators: "Why not add scourging to your death penalty? Because you are afraid of violating the *provocatio* permitted by the Porcian law. But you are violating it in putting these citizens to death by the administrative decree of the magistrate." The scope and effect of these laws was

that every capital and corporal penalty had to come before the judgment of the people. These laws never limited judgment but only the execution of that judgment until the appeal could be heard and determined, by the popular jurisdiction. So strong did this sanction become that at the close of the Republic in a death penalty case a violation of the *provocatio* entailed a capital penalty on the offending magistrate.

With the gradual creation of a permanent court system—out of the standing commissions of 413 B. C., by the Comitia—this right of appeal to the popular assembly disappeared; the permanent court (Quæstiones Perpetuæ of 149 B. C.), being considered the representative of the Comitia.

These courts emerged into existence by virtue of the Lex Calpurna of 149 B. C. To these courts the appeal was addressed rather than the Comitia (the Assembly).

Civil Appeal

Corresponding to the *provocatio* was the *appellatio,* the right of appeal under the civil jurisdiction as distinct from the criminal jurisdiction. This right arose in the early days of the consuls, when an appeal was allowed from the decision of one consul to the other, thus balancing their power. With the appointment of the tribunes, for the purpose of protecting the people from the abuse of authority by the consuls, they were vested with a similar power, the right of the *intercessio,* the power of veto upon the execution of the sentence of all magistrates. This power operated as an arrest of judgment, becoming part of the appeal procedure. We read that Verres as prætor had his decisions vetoed wholesale by his colleague Pisa. The *intercessio* soon became a valuable weapon to stay

the execution and gave to the private citizen virtually the effect of an appeal.

Imperial Appellate System

Under the Empire we find a real appellate jurisdiction established. In a former chapter we noted the consolidation of all power in the person of the Emperor. As consul he dominated the Senate and controlled the senatorial provinces. In the imperial provinces, such as Judea, he was supreme, the procurator being his personal representative. As pro-consul, he possessed supreme criminal jurisdiction, while as tribune, the representative of the people, he could hear all appeals by virtue of the *provocatio,* and further possessed the power of the veto, the *intercessio,* staying at will the acts of the magistrates in all proceedings. This right of veto had become a right of pardon. Hence by virtue of the accumulation of all the ruling offices of the state in one person he could exercise the full power of an established court of appeal.

In this manner was created the appellate system of the Empire. Appeals were allowed from an inferior court to a superior, the court of the Emperor being the last resort. At Rome there was an appeal from all the magistrates to the præfect of the city, then to the prætorian præfect, or to the Emperor. In the provinces there was an appeal from the municipal magistrates to the governors, or procurators, and from them to the prætorian præfect at Rome, or to the Emperor. The distinction between *appellatio* and *provocatio* disappeared, the words being used interchangeably.

Paul's appeal was not from a judgment of the court, for Felix had rendered none, his decision being "doubtful," having the effect of judgment reserved. Rather,

the appeal in this instance was a demand to transfer the case to Rome, the legal effect being a demand for a change of venue to the capital city. Such was the appellate law of the Empire, as Paul appeared before Festus.

Hearing Before Festus

It was the year A. D. 60 when Festus, the successor of Felix, arrived at Cæsarea. We read that upon arrival, having been in the province but three days, he immediately went up to Jerusalem; undoubtedly to make the acquaintance of the Jewish officials; but also to view the Holy City. Upon his arrival the "chief priests and the principal men of the Jews informed him against Paul"—requesting that Paul be brought to Jerusalem for trial. The Apostle had been in prison for two years. The Pharisees and Sadducees had had ample time to compose their differences as to his case and now made a united effort to have him brought to Jerusalem. Their chief design, however, was not a trial, but assassination, for Luke records, "laying a plot to kill him on the way." To them the apostate Pharisee must perish (Acts 25:2, 3).

Though Festus was inexperienced to the ways of his wily subjects, he nevertheless refused their request and advised them to come to Cæsarea if they desired to charge Paul. "Let them therefore, saith he, that are of power among you go down with me." Within eight days he returned to Cæsarea "and on the morrow he sat on the judgment-seat, and commanded Paul to be brought" (Acts 25:5, 6).

Once again Paul stood in the Prætorium at Cæsarea, before the Roman court. A new judge was on the bench. Tertullus was also absent. The priests and elders were to conduct their own prosecution. They were in a domi-

neering, clamorous mood. The stern control of Felix was lacking. Festus was possessed with a desire "to gain favor with the Jews" (Acts 25:9). They evidently sensed it and the atmosphere of the occasion was soon to be correctly judged by the keen mind of Paul. All during his career he had proven to be a quick perceiver of the motives of men. He was not to fail at this vital hour.

Let us ask, What was now the exact legal status of the case? As heretofore noted, Felix had pronounced a decision of non liquet, "doubtful," and remanded the prisoner to jail. He had hoped to secure a bribe from Paul for his release, but failed to do so. According to the Roman law, a new trial of the issues must be had—as in the case in our modern jurisprudence when the Justice grants a "mistrial," or the jury returns, having failed to find a verdict, the result being a "disagreement." Paul therefore, was brought forth for a new trial. The Jews had "informed" Festus against him, the charges being renewed.

But did this proceeding in fact constitute a second trial? Upon analysis of the facts we must answer in the negative. Every legal proceeding before a court is not a trial. In our modern system of jurisprudence, we have our special terms for the hearing of legal motions or arguments of questions of law exclusively; there is also the trial division and the appellate division of our system. It is a matter of general knowledge that the majority of suits pending in our courts never reach the trial stage. What should have been a new trial and a second trial for Paul was about to begin. Let us see what actually happened.

The information having been renewed, the court sat to

hear the case. The prosecutors began. This time no advocate was present. The accusers sought to overbear the judge by the vehemence of their accusations. Luke describes a noisy court-room; an irregular proceeding; the rules of evidence were not observed; no witnesses were produced, no proof of the charges offered. Allegations are made without any evidence to substantiate them. The same old charges of treason, heresy and sacrilege are hurled at the defendant in a fanatical spirit. Luke states, "And when he was come, the Jews that had come down from Jerusalem stood round about him, bringing against him many and grievous charges which they could not prove; while Paul said in his defence, Neither against the law of the Jews, nor against the temple, nor against Cæsar, have I sinned at all" (Acts 25:7, 8). The court scene is one of noise and indecorum. Festus, not appreciating the Jewish temper as did Felix, weakens before their noisy tactics. He makes no attempt at a legal decision of the issues. The situation had gotten beyond him. What does he then attempt to do? He knew that the Roman law required him to render a decision of guilty or not guilty, for the decision "doubtful" had been limited, by virtue of the Lex Acilia, imposing a pecuniary penalty for its too frequent use; and precedent in the course of time dictated that this decision could only be pronounced once in any given case. Under the Empire it was very rarely resorted to. Of this rule Greenidge informs us that, "when a verdict of non liquet had been returned by the jury, he (the judge) uttered the word *amplius*. This led to a renewal of the case. Renewals of this kind had to be repeated until the court had reached a verdict of 'guilty' or 'not guilty'; and so tempting to a jury was such an expression of doubt in certain

cases that the Lex Acilia provides against too frequent use of this power by making the iudices, who give the verdict of non liquet—and thus produce an *ampliatio*—more than twice in a single case liable to a pecuniary penalty. The new trial involved a complete rehearing of the case *ab initio.*" So infrequently was a doubtful verdict rendered "toward the close of the Republic that Cicero could speak of a verdict of non liquet as a characteristic of 'the old school of jurisdiction.' We know, in fact, of no criminal case of his time in which the *ampliatio* was resorted to; and with the exception of the trial of Oppianicus, of not one in which a verdict of non liquet was returned by even a minority of the judges." Under these circumstances Festus shrewdly and diplomatically would play for time; or far better, he would try the case at Jerusalem. As did Pilate, he would literally wash his hands of this Jewish quarrel, if possible. His first interest is to ingratiate himself with the Jewish officials. So, turning to Paul, "desiring to gain favor with the Jews" he said, "Wilt thou go up to Jerusalem, and there be judged of these things *before me?*" (Acts 25:9.) Did Festus propose to Paul merely a change of venue, that is a change of place for the trial, or did he propose a change of jurisdiction, that is that Paul should go to Jerusalem and be tried by the highest court of the Jewish legal system, the Sanhedrin, under Roman protection? The proceedings had become a matter of pleading. Festus did not intend to try the *issues* at that time and he did not do so. Paul was not having the trial according to Roman law to which he was entitled. The last two words of Festus' proposal would lead us to believe that he was seeking a change of place of trial; but Paul's answer, however, is based upon a different motive on behalf of

Festus. Paul speaks as though Festus would turn him over to the court of the Sanhedrin, this being a change of jurisdiction. "But Paul said, I am standing before Cæsar's judgment-seat, where I *ought* to be judged: to the Jews have I done no wrong, as thou also very well knowest. If then I am a wrong-doer, and have committed anything worthy of death, I refuse not to die; but if none of those things is *true* whereof these accuse me, no man can give me up unto them" (Acts 25:10, 11). He was standing before the Roman court where he ought to be tried. He knew that Festus was not conducting the case as it should have been conducted. He was not being tried according to Roman law, and, in substance, he so informed the justice. He refused to be given up to the Sanhedrin; and furthermore, if Festus simply meant a change of venue to Jerusalem, he refused even to go to Jerusalem for a Roman trial.

Paul was not speaking in haste. He had gauged the caliber of Festus. He knew the Jewish temperament and the Jewish sense of justice. He also appreciated his rights as a Roman citizen. Had he not passed through two riots, one at the Temple and one before the council of the Sanhedrin? Had they not conspired to take his life on the way to Cæsarea? Would they not try it again? He seemed to sense their well-planned plot. He had defended himself from the very first. He had been in prison for two years. Previous experience had taught and convinced him that the high priest would have his life, if possible, either by assassination or by a legal frame-up. His only defense was his Roman citizenship. Festus dare not turn a Roman citizen over to the Jews. His only hope, therefore, was Rome.

Seeing Festus weaken before the clamorous Jews, real-

izing the legal significance of the question asked of him, knowing his rights, and feeling in his soul that he must testify for his Christ, even unto Rome, we hear him speak forth those words that must have startled both judge and accusers, *Cæsarem appello!* "I appeal unto Cæsar." Silence reigned. Could this be possible? Festus' hands were tied; the Jews were outwitted; and finally defeated. The man of destiny was once again the master of the storm. In his astonishment, and vexed by the turn of the case, Festus conferred with his advisers. He was compelled to answer, "Thou hast appealed unto Cæsar: unto Cæsar shalt thou go" (Acts 25:12). That which had commenced as a trial and should have been a trial had terminated in a proceeding of pleading on behalf of Paul before Festus. That the *issues* of Paul's case were tried before Festus is an erroneous conception of the entire matter. The most that can be stated is that Paul was given a judicial hearing before Festus, terminating in the pleading by Paul of his appeal to Cæsar at Rome. The appeal became the paramount matter of concern in this proceeding.

The pronouncement of those words, "*Cæsarem appello,*" by the Apostle fighting for his life suspended at once all further proceeding on the part of Festus. A right which carries us back to the early period of the Republic (509 B. C.) and which had been jealously guarded through the centuries, had been invoked. Unto Cæsar at Rome, Paul must go.

Expense of the Appeal

The question is raised by many writers as to the expense of this appeal. That Paul did not use any of the funds of the church collection appears to be a positive fact, for

according to his own testimony he had already turned it over to the apostles of Jerusalem. Before Felix he testifies, "Herein I also exercise myself to have a conscience void of offence toward God and men always. Now after some years I came to bring alms to my nation, and offerings" (Acts 24:16, 17). That Paul went to Jerusalem without turning over the fund seems most incredible in view of this testimony. Then did he earn this money at his trade? For two years he was confined in prison. But again, the tent-making trade was not a very lucrative one; and Paul was not commercially-minded.

The general opinion of the best authorities is to the effect that the funds for this appeal must have been inherited, for an appeal to Rome was an expensive course of procedure. Professor Ramsay writes as follows: "An appeal to the Supreme Court could not be made by everybody that chose. Such an appeal had to be permitted and sent forward by the provincial governor; and only a serious case would be entertained. But the case of a very poor man is never esteemed as serious and there is little doubt that the citizen's right of appeal to the Emperor was hedged in by fees and pledges. There is always one law for the rich man and another for the poor: at least, to this extent, that many claims can be successfully pushed by a rich man in which a poor man would have no chance of success. In appealing to the Emperor, Paul was choosing undoubtedly an expensive line of trial." Those who have prosecuted a case to the court of last resort in modern times, I feel, will most heartily agree with the above statement. Suetonius records an interesting word in his life of Nero when he writes concerning the court system, "item, that they

who had suites defending court should pay the certaine due fee set downe by law, for pleading of their causes."

The expense of the litigation had to be met. The fact that the appeal was prosecuted and not abandoned proves that Paul possessed the funds. In the absence of definite proof to the contrary it is not unreasonable to hold the money was inherited.

Audience Before Agrippa

As in the instance of the interview before Drusilla, so in the audience before King Agrippa, president of the Temple at Jerusalem, Paul was not appearing in a tribunal for trial. It was simply a conference, requested by Festus, that he might make up the *record on appeal* to be forwarded to the court at Rome. Paul was under no legal obligation to attend. His attendance was wholly out of courtesy to the authorities, though no doubt he did realize that his refusal of the request may have prejudiced Festus in his attitude, which may have reflected itself in the record on appeal, the official document known as the *relatio.*

Festus was in a quandary. The Jews had made strong accusations but had proved nothing, and then Paul had appealed. Aside from the charges made he had nothing of an evidentiary nature to report. The appeal was not from a judgment, for there was none, but was of the nature of a change of venue to Rome. Thus did Festus say to King Agrippa, " Ye behold this man, about whom all the multitude of the Jews made suit to me, both at Jerusalem and here, crying that he ought not to live any longer. But I found that he had committed nothing worthy of death: and as he himself appealed to the Emperor I determined to send him. *Of whom I have no cer-*

tain thing to write unto my lord. Wherefore I have brought him forth before you, and specially before thee, King Agrippa, that, after examination had, I *may have somewhat to write.* For it seemeth to me unreasonable, in sending a prisoner, not withal to signify the charges against him" (Acts 25:24-27).

Paul made no legal defense, but rather preached to his hearers of his conversion, the resurrection of this Christ and his divine commission to both Jew and Gentile. They agreed Paul had done nothing worthy of death. The interview closed with the words of Agrippa, "This man might have been set at liberty, if he had not appealed unto Cæsar" (Acts 26:32).

In a few days Paul was out of reach of his bitter enemies of Jerusalem, once again sailing upon the high seas, but this time a prisoner in chains. He was being carried toward the imperial city of the Empire, from which he would never return to the Holy City of his fathers. With the fading of the Palestinian coastline the scene of our crusader's activities shifts to the historic city of Rome.

"And when it was determined that we should sail for Italy, they delivered Paul and certain other prisoners to a centurion named Julius, of the Augustan band. And embarking in a ship of Adramyttium, which was about to sail unto the places on the coast of Asia, we put to sea" (Acts 27:1, 2).

VIII

TRIAL BEFORE NERO

TRIAL BEFORE NERO

Rome, the city of imperial splendor, the seat of the Emperors, the center of world power in a far-flung Empire, will always convey to the human mind thoughts of political grandeur and legal authority. Her significant contribution to mankind has been the sciences of government and law.

To this great city, at the height of its glory, the Apostle to the Gentile world was taken. He received no such gala reception as was bestowed upon Cæsar from Gaul or of Octavius from the battle of Actium. Bound in chains, an unknown provincial prisoner, the outstanding genius of that age arrived in the city of the Cæsars. His welcome consisted in a reception by a few insignificant members of society, who were generally known to the community as a new sect, *Christiani,* about whom there was an atmosphere of suspicion—as to their loyalty to the Empire.

Once having arrived in the city, under Roman guard, and having addressed the brethren of the church at Rome, Paul's activities become vague, due to the lack of historical evidence. At this point Luke leaves off his record and we must travel the sea of historic events without the compass of this eminent historian. Most writers indulge in many probabilities and possibilities in treating of this period of Paul's life. Much argument is centered about the date of his arrival, the date of his trials, and as to whether he had one trial or two. Also, did he appear before Nero in person, or did he appear before a sub-

ordinate court, or the supreme appellate court of which the Emperor was the chief justice? One authority goes so far as to state that we do not know of exact knowledge whether Paul had a trial or not. Such are the problems with which we must deal. Recognizing this perplexing situation in our study, yet utilizing what knowledge—little though it be—we possess, we proceed to consider the closing days of the life of this great man. Though the windows of history are not wide open, flooding us with historic evidence, yet the rays of knowledge that break through the darkness—as the stray beams of light which must have illuminated the apostle's cell—surely will enlighten our inquiry.

We are perfectly sure of the fact that Festus arrived in Cæsarea in the year A. D. 60. It was but a few days after his arrival that Paul appeared before him, for Luke states, "Festus therefore, having come into the province, after three days went up to Jerusalem from Cæsarea" (Acts 25:1). Paul was immediately brought before the tribunal of Festus and upon filing his appeal sailed for Rome, no doubt within but a few months from that event. It was undoubtedly about the month of August when Paul set sail for Rome. Ramsay states, "The ship reached Fair Havens in the latter part of September and was detained there by a continuance of unfavorable winds until October 5." Against the advice of Paul the ship-commander set sail, encountering the storm so vividly recorded by Luke, the vessel being run aground on the island of Malta. Here they remained for three months, again setting sail in "a ship of Alexandria which had wintered in the island" (Acts 28:11). "The wreck took place before the middle of November; therefore they sailed from Malta in February," writes Ramsay. It was therefore

in the early spring of 61 that Paul arrived at Puteoli, proceeding from that seaport to Rome.

Upon his arrival he was turned over to the commander of that portion of the Roman army consisting of the soldiery engaged in foreign service for the Emperor, known as "soldiers from abroad." The officer was known as the "chief of the camp" (Greek, *stratopedarch*). While in Rome these soldiers resided on the Cælian Hill, the camp being termed *Castra Peregrinorum.*

Two whole years passed before Paul's case appeared on the court calendar for trial. These years constituted a period of rest for the apostle, he being allowed his own hired dwelling, with complete freedom to receive his friends, despite the fact that he was "an ambassador in chains" (Eph. 6:20). "And when we entered into Rome, Paul was suffered to abide by himself with the soldier that guarded him. And he abode two whole years in his own hired dwelling, and received all that went in unto him, preaching the kingdom of God" (Acts 28:16, 30). At this point Luke's record terminates.

We must ask, Why this delay? A number of answers present themselves. As in our modern time, it may have been due to the volume of litigation. (Paul advises against law suits.) Again, the Jews from Palestine must be present to prosecute, and also witnesses from Asia and Palestine to testify. Neither Felix nor Festus had found any guilt, and no doubt it was taking the Jews some time to build up their case. Robertson reminds us that Nero was "adverse to real business, the victim of caprice and impulse," while Ramsay suggests that the Imperial Office may have been making its own investigation of the case.

The Judicial Power of the Emperor

In discussing Paul's trial before Nero it is necessary that we keep before our minds the unique position of power of the Emperor. Tacitus informs us that "when the last army of the Republic had fallen with Brutus and Cassius on the field; when Sextus Pompeius had been crushed in Sicily, and when the deposition of Lepidus followed by the death of Antonius had left Augustus sole leader of the Julian party, he laid aside the title of Triumvir, assumed the consulship, and professed himself content with the tribunitian power for the protection of the plebs. But when he had won the soldiery by bounties, the populace by cheap corn, and all classes alike by the sweets of peace, he rose higher and higher by degrees and drew into his own hands all the functions of the Senate, the magistrates and the laws." In regard to the offense of treason this distinguished and trustworthy authority continues: "In nothing did the substitution of the Emperor and his person for the commonwealth as a whole tell more directly and grievously on the persons and fortunes of Roman citizens than in the new application of the law of *maiestas.* By a disastrous application of the principle *L'état, c'est moi,* "the state is I," the emperors were first regarded as representatives of, then as identified with, the state as a whole. Whatever by ancient law had been an offense against the Roman people became now a personal offense against the Emperor; and every offense against the Emperor was an offense against the majesty of the people."

In the application of this law in general we read, "Augustus, for the first time applied the law to the libelous writings, being indignant at the outrageous and scurrilous

attacks made by Cassius Severus upon men and women of distinction; and when Tiberius was asked by the prætor Pompeius Macer whether cases of high treason were to be sent to trial, he replied, ' The laws must be put in force.' "

Of Tiberius' relationship to the judiciary, Tacitus continues: " But the Emperor was not satisfied with taking part in trials before the Senate. He would take his place in ordinary courts of law, seating himself at the corner of the bench so as not to oust the prætor from his curule chair. On such occasions many just judgments were pronounced in opposition to the influence and solicitation of important personages; but though truth might thus be served, it was at the expense of liberty. The assiduity of Tiberius in attending the law courts and the conscientious care which he showed in trying cases and resisting undue influence are distinguishing features of the early part of his reign. The Emperor, as possessed of the *tribunica potestas,* had an unlimited power of veto, his presence on the bench would enable him to exercise that right in person (as was required under the old rule) and thus overrule the decision of the prætor; while his own claims to independent jurisdiction would enable him to substitute another decision in its place."

James Bryce says that " the Emperors, moreover, spoke the last word. It was their legislation which gave to Roman law the shape in which it descended to the modern world both in the East and the West. Still the exigencies of a position which threw on one man a prodigious burden of toil and responsibility compelled the Emperors to make regular provisions for the discharge of their legislative and judicial work. A Council soon grew up, consisting at first chiefly of senators, afterwards largely

of jurists, whose members acted as assessors to the Emperor when he heard civil or criminal cases, and who also advised him on projects of legal change. In all these points it furnished an interesting parallel to the English Privy Council."

There can be very little doubt but that it was before this privy council, or imperial supreme court, or imperial court of appeal—a court of last resort—that Paul stood trial, Nero being the chief justice of the bench.

Trial

The first appearance of Paul for trial at Rome seems to have taken place in the early part of A. D. 63 and before this Imperial Court of Appeal. Writing to the Philippians, Paul informs them, "that my bonds became manifest in Christ in the whole Prætorium (Marg. RV) and to all the rest" (Phil. 1:13). Mommsen and Ramsay hold that the word Prætorium means the whole body of persons constituting the Imperial Supreme Court.

Tiberius and Claudius, we understand, held court in the forum, while Nero sat on the imperial bench of justice in his own palace, surrounded by all its splendor and luxury, the ceiling of the marble court chamber decorated as a starry sky to conform to the ancient open court beneath the majesty of the blue heavens. This palace reached from the Palatine to the Esquiline, being replaced after the fire by a mile square edifice, containing artificial lakes and a banqueting parlor, the ceiling of which, writes Suetonius, was "sealed with panels of ivory devised to turn round so as flowers might be skattered from thence; with a device also of pipes and spouts to cast and sprinkle sweet oils from aloft." The principal parlor was made round, turning about continuously both day and night,

in manner of a world. Such was the splendor in which Nero lived and in such an atmosphere did he convene the Imperial Supreme Court.

Beneath the artificial starry sky we may picture this Emperor clad in his royal robes, seated in the midst of his twenty assessors or associate justices to hear the case of "The State vs. Paul of Jerusalem." Such judicial dignity, pomp and splendor have never been rivaled in all judicial history. The day of trial for the apostle of Christianity before this august tribunal has arrived. The stately entrance of the Emperor and his associates, accompanied by the military court guard, lictors, clerks and attendants has been made. A vast Roman mob bent on being amused fills the remainder of the immense court-room. The apostle stands in chains before the bar. Two civilizations have met in the personalities of Nero and Paul. The hour of trial has struck.

The record or pleadings stand practically the same as before Felix. The appeal report of Festus had been received. The charges were as previously, heresy, sacrilege and treason. No doubt an advocate pleaded for the accusers while Paul boldly stood forth in his own defense.

As we enter this court-room with anxious hearts for the prisoner, we can hear the voice of the advocate as he begins to prosecute with great earnestness this case before his Emperor. All the arguments of patriotism, and loyalty to the glorious Empire, are upon his lips. Silence prevails, save the clear tones of his oratory, as every ear becomes attentive to his learned discourse. A smile of deep satisfaction steals across the faces of Paul's enemies who are seated in front of the railing that separates the bench from the litigants. Surely this day will bring the just penalty of death to this arch-enemy of

Israel and the nation. We hear him described as the instigator of civil strife in Philippi, Thessalonica, and particularly in Ephesus and Jerusalem. This is the man who has attempted to turn the Empire upside down, even to the household of Nero. He has created a spirit of lawlessness and disrespect for the governmental authority of Rome. He has attacked the sovereignty of the Roman state and endeavored to undermine the majesty of its laws. Upon the three counts of heresy, sacrilege and treason this prisoner, according to the evidence of the case, is guilty, and deserves, in the name and honor of justice, to suffer the severity of the law. Demanding nothing less than the death penalty, the advocate closes his illustrious argument.

The atmosphere is intense. The Apostle stands unmoved, waiting the breaking of a wave of casuistry upon the sands of a superficial patriotism. Presently, slow of speech, but with a ring of conviction in his voice and a spirit of sincerity in every utterance, he boldly commences his defense. The voluptuous, morbid, heinous, murderous Nero, beneath his purple, gazes upon him. Though bound in chains, the magnetic genius of this prisoner must have impressed the unscrupulous monarch. The self-possession of this man soon began to convince this carnal judge that here was no ordinary personality. In such moments the wealth and glitter of material possessions give way to the conflict of souls. Nero must have felt the intellectual superiority of this defendant, to the discomfiture of his own intellectual and moral weakness. The pomp of the tribunal meant little to Paul. To him the power of Cæsar was not to be placed in the same category with the protecting power of an Almighty God. With an eloquence aflame with a new spirit, in a clear and logical

manner, he launches forth to persuade this mighty bench that he has not violated the law of his fathers in Israel, nor transgressed the Roman law anywhere in the Empire.

To the charge of heresy we hear him plead the laws of Rome, that recognize polytheistic systems of religion within the Empire. He vigorously makes claim that his sect is but another sect and therefore within the law of the land.

To the count of sacrilege: he boldly denies bringing Trophimus or any other Gentile into the Holy Place of the Temple at Jerusalem, demanding of his opponents that they prove this charge by impartial witnesses; as prescribed by the rules of evidence.

To the indictment of high treason we behold the great Apostle with outstretched arms, as he rises to the height of his powers in defense of his life and the right to propagate the gospel of his Lord. With conscience "void of offense toward God and man," as he had also testified before Felix, charged with a divine eloquence which only comes to a great soul lost in God, being ready to die if need be for his Saviour, he fearlessly hurls at his enemies a specific denial of the charge, contending that throughout Asia he conducted no campaigns of disloyalty to the Emperor or the political power of the Empire, nor did he attack the religions of Rome. He affirms his patriotic loyalty to the laws of the nation—yet we hear no denial of his preaching the teachings and the person of Jesus of Nazareth. Here in the capitol city of the Empire, and before the Emperor, Paul does not become ashamed of the gospel, for to him it was the very power of God to redeem the race.

Upon this issue Paul did not renege. His judge was God. He must in fidelity to his Lord discharge his am-

bassadorship to mankind. Therefore he boldly affirms that he has not only taught this teaching in Asia but that he is at the present moment teaching these same principles of life in Rome. Facing this great court, urged with a consuming passion for his Lord and a lost humanity, he declares that the gospel of Christ is the power of life to both slave and royalty. He squarely and heroically meets the issue as to whether the preaching of this new religion constitutes the crime of high treason, contending that these teachings are permissible by virtue of the Roman government's principle of religious toleration. His burning spirit arouses every heart in the chamber. A great soul is speaking. His words are not of the lips but out of the depths of a heart quickened by a power which is divine. His argument closes. No witnesses have been called by the prosecution. A hush falls upon this historic scene. Those who came to be entertained have tarried to be inspired.

What would Nero do? Despotism, enthroned tyranny and militarism, and the democracy of Christianity, in the persons of Nero and Paul respectively, stand face to face. Did the licentious Emperor sense this tremendous fact? Did he appreciate the immensity of the decision he was to render? The issue was not to down. The issue that baffled Felix has been legally transferred, and presented to Nero. Before him stands the champion of this new sect, the Christians. They had infested his very household. His conduct following the burning of the city proves conclusively that he possessed much knowledge concerning the attitude of the people toward this new group.

Suetonius advises that Nero, "in the administration of justice scarcely ever gave his decision on the pleadings

before the next day and then in writing. His manner of hearing cases was not to allow any adjournment, but to dispatch them in order as they stood. When he withdrew he consulted his assessors (associate justices). He did not debate the matter openly with them, but silently and privately reading over their opinions—which they gave separately in writing—he pronounced sentence from the tribunal, according to his own view of the case, as if it were the opinion of the majority."

The night following this trial must have been one of anxiety for Paul and of uneasiness for Nero. We may follow the apostle to his humble dwelling, where, into the early dawn, upon bended knees, he pleads his cause before the Divine Justice of the universe. Rising to his feet he goes to his desk and with peaceful mind writes to his friends at Philippi: "Knowing that I am set for the defence of the gospel . . . I know that this shall turn to my salvation. . . For to me to live is Christ, and to die is gain. . . For I am in a strait betwixt two, having a desire to depart, and to be with Christ; which is far better: Nevertheless to abide in the flesh is more needful for you. And having this confidence, I know that I shall abide and continue with you all, for your furtherance and joy of faith: That your rejoicing may be more abundant in Jesus Christ for me, by my coming to you again" (Phil. 1:17-26).

In the private chamber of his palace Nero spends the hours of the night in pensive mood reading the opinions of his assessors. The courageous countenance and bold spirit of the prisoner coupled with his intellectual capacity could not have escaped his attention. Whenever had he beheld such a personality before him in chains? Surely this Jew was an extraordinary mortal. Granting that his

teachings about Jesus were to some extent subversive of the peace of the Empire, nevertheless, as pointed out by the legal opinions of his assessors—which lay before him —*no overt act* of treason had been proven. Political tyrant that he was, a sense of Roman justice will have dictated to his conscience that this judicial fact must be given serious consideration. This prisoner was a Roman citizen, and Roman principles must obtain. As Emperor he represented in his person the dignity, honor, justice and majesty of this system of jurisprudence—which held sway from Gaul to India. Roman law demanded justice and he must function as the channel of legal principles formulated and founded in the growth of past centuries, bringing into being the mighty Empire. To his mind this man was indeed a dangerous teacher; but much doubt, and disrespect for any form of power except the military, caused him to sneer at the prisoner's declarations of a new Judean cult; concluding that it was to be considered as another impotent fanaticism out of the East. What power could a mere Jewish teacher possess as against the victorious legions of Rome? This man wielded no sword. He led no army. The security of the nation was therefore perfectly safe. Was not Roman power supreme? What then had the Empire to fear from such an individual? What was another religious sect to the wide-stretching Empire as long as the laws were obeyed? Those Christians who lived within the gates of his own household were more to be compared to lambs than to attacking lions. In the final analysis Nero knew as a judge that no act of high treason had been proven, and though he hated his Jewish subjects—who were always in turmoil and always resenting the Roman dominance—he utterly failed to understand any form of power except

the military. Quite ignorant was this sinful Emperor of that mightier weapon, "the sword of the spirit" of the Lord God!

With a mixed feeling of a reluctant admiration for the personality of the defendant, a disdain for his teaching, a vicious jealousy for his power as Emperor—finding expression in many instances in ruthless murder—a hatred for the troublous Jews, yet recognizing the sanctity of Roman citizenship and the legal aspect of this proceeding, he must as Chief Justice of the Imperial Court of Appeal decide the issue, of high treason, of this momentous case. Both the Gentiles and the Jews of Asia Minor awaited his word. What would it be?

With the hour of court upon the morrow we once again find the Apostle ushered in before the full bench to hear the decision. All eyes rest upon both prisoner and chief justice. Paul's enemies possess a smile of hatred and apparent gratification. With breathless spirits we hear the voice of the Emperor, as the words fall from his lips, *non fecisse videtur,* "not guilty"! The appeal of last resort has been won. The Jewish accusers exit in bitter disgust, with enmity toward both prisoner and Emperor, while Paul goes forth rejoicing in the Lord—his Saviour had delivered him out of the hands of his enemies.

We now raise a question that is discussed by many writers, Did Poppæa the Empress have anything to do with the decision of the Emperor? Of Poppæa, Tacitus writes: "This woman possessed everything but an honest mind; from her mother, who in beauty surpassed all women of her time, she derived the charms of her person and the dignity of her family; her wealth was equal to the lustre of her birth; she had a fascinating conversation, and was not deficient in wit. She observed an out-

ward decorum, but in heart was wanton." Yet Josephus characterizes her as a "religious woman," leading us to believe that she was favorable to the Jewish religion. In the dispute over the wall erected by the Jews to shut out the view into the Temple at Jerusalem from King Agrippa's palace, Josephus records: "And when Nero had heard what they had to say (the representatives sent to Rome) he not only forgave them what they had already done, but also gave them leave to let the wall they had built stand. This was granted them in order to gratify Poppæa, Nero's wife, who was a religious woman and had requested these favors of Nero, and who gave order to the ten ambassadors to go their way home." Conybeare and Howson state that, "on this occasion (trial of Paul) it might have been expected that he (Nero) would have pronounced the condemnation of the accused; for the influence of Poppæa had now reached its culminating point and she was, as we have said, a Jewish proselyte. We can scarcely doubt that the emissaries from Palestine would have sought access to so powerful a protectress, and demanded her aid for the destruction of a traitor to the Jewish faith; nor would scruples have prevented her from listening to their request, backed as it probably was, according to Roman usage, by a bribe. If such influence was exerted upon Nero, it might have been expected easily to prevail. But we know not all the complicated intrigues of the Imperial Court. Perhaps some Christian freedman of Narcissus may have counteracted, through the interest of that powerful favorite, the devices of St. Paul's antagonists; or possibly Nero may have been capriciously inclined to act upon his own independent view of the law and justice of the case." Gould writes of Poppæa as follows: "Poppæa had reached the zenith

of her ambition; she had hold over the affections of Nero to the last, and could sway his mind as she liked." Recognizing that Paul's teachings reached the household of the Emperor he continues, "It is not impossible, it is not even improbable, that some of that teaching may have reached the ear and heart of that wicked, but not utterly lost woman and have kindled in it one spark of 'better life.'" If such be the situation it is highly probable that her influence in the case of Paul would be favorable to the defendant. Still, we must frankly admit, there is also the possibility of her remaining loyal to the Hebrew faith and rejecting the Christian gospel, reacting against the new doctrine to the detriment of Paul. Granted that her attitude—if she took any interest in the case at all—is a matter of sheer conjecture, the decision of acquittal rendered by the Emperor would tend to indicate that the Empress was favorable to Paul.

Charter of Religious Liberty

Keeping in mind the position of the Christians in the Empire, this trial before Nero, with the decision of acquittal, becomes a most important event in the history of Christianity. Ramsay finds in Paul's acquittal a charter of religious liberty granted to Christianity on behalf of the Roman government. He states: "It is both justifiable and necessary to lay great stress on the trial of Paul. With the legal constructiveness and obedience to precedent that characterized the Romans, this case tried before the supreme court must have been regarded as a test case and a binding precedent until some act of the supreme imperial authority occurred to override it. If such a case came for trial before the highest tribunal in Rome, there must have been given an authoritative and, for the

time, final judgment on the issues involved. That he (Paul) was acquitted follows from the Pastoral Epistles with certainty for all who admit their genuineness. The subsequent policy of Nero toward the church is far more readily intelligible if Paul was acquitted." Holding to Paul's acquittal at this trial, Professor Ramsay maintains that "the issue of the trial was a formal decision by the Supreme Court of the Empire that it was permissible to preach Christianity; the trial therefore was really *a charter of religious liberty* and therein lies its immense importance. It was, indeed, overturned by later decisions of the Supreme Court; but its existence was a highly important fact for the Christians."

This decisive battle between Christianity and the Roman world had been fought and won for the Christians. The Apostle was triumphant in the power of his Lord. Across the years of struggle, persecution and sacrifice he had emerged the victor. Liberated from chains, he stepped forth from the imperial court chamber having transformed, as it were, the chains of bondage to a lamp of human progress.

The hour of halleluiahs had arrived for Paul, but like the halleluiahs which greeted his Master as he entered the city of David—to be changed to a hideous shout of condemnation—so in the case of the obedient disciple, he too was soon to hear the sentence of condemnation which should send him also to his Gologtha, outside the city wall of imperial Rome.

IX

TRIALS BEFORE THE PRÆFECT OF ROME

TRIALS BEFORE THE PRÆFECT OF ROME

That Paul appeared for a second time before the court of Cæsar in Rome is sustained conclusively by his second letter to Timothy. If he had appeared only once and had been judged guilty, no such epistle would ever have been written. It is perfectly apparent that the conditions described therein cannot be harmonized with the latter part of the book of Acts, the message to the Ephesians, or Philippians. Professor Ramsay holds that "in every respect the situation thus indicated is the opposite of the circumstances described on the first trial. Philippians occupied the same place in the first as Second Timothy in the second trial; but Philippians looks forward to a fresh career among the churches, while Second Timothy is the testament of a dying man." Eusebius states: "After defending himself successfully, it is currently reported that the apostle again went forth to preach the gospel, and afterward came to Rome a second time, and was martyred under Nero." St. Jerome testifies, "Paul was dismissed by Nero, that he might preach Christ's gospel in the West."

We must now inquire as to the circumstances of this trial, the time when it occurred, before whom, and what the result was. The date has been given as either in A. D. 64, 66, 67 or 68. Most writers agree that he was executed in the reign of Nero though a unanimous opinion on the date is not be found. Eusebius holds to the year 67, while Jerome gives 68. Forbes makes it 64, holding

to the one trial before Nero, after the fire, and resulting in his martyrdom. Robertson presents the two-trial belief, being in agreement with Conybeare and Howson, placing the second trial in the early part of the year of 68—the last year of Nero.

Did Nero preside? I feel we can safely answer in the negative. Forbes records that in the summer of 66 Nero journeyed to Greece on a theatrical tour, not returning until the autumn of 67. Upon his return he landed at Naples, endeavored to safeguard his throne from an uprising of the people against his reckless rule, and committed suicide on June 9, 68. Conybeare and Howson hold to the view-point that this trial was held before the Court of the Præfect, in one of the great basilicas in the Forum. Therefore, accepting the two-trial theory, we may state it is most reasonable to conclude that Paul appeared for his second trial in the early part of 68, and not before Nero, but before the præfect of Rome vested with delegated judicial authority.

This date would permit of ample time for Paul's last missionary journey through Asia, as indicated in his epistles, and would also harmonize with the absence of Nero from Rome in Greece, followed by his tragic end.

During this period Paul may have gone to Spain and then returned to Asia. Robertson, on the basis of the statement of Clement of Rome that Paul "had gone to the limits of the West," and upon the authority of the Canon of Muratori, which states that Paul did go to Spain, holds: "We may imagine Paul at last in Spain, in the early summer of A. D. 64. He was probably in Spain when the awful catastrophe befell Rome, July 19, A. D. 64." From Spain we find him returning to Asia, visiting Corinth (2 Tim. 4:20), Crete (Titus 1:5), Troas

(2 Tim. 4:13), Miletus (2 Tim. 4:20), and no doubt other places, strengthening the work of the churches. While pursuing this sacred work he once again feels the reach of the arm of the law, being placed under arrest and hurried back to Rome, a prisoner of the Empire. As in former years his bitter enemies followed him in his journeys. They were determined to compass his death and left nothing undone to accomplish their fiendish purpose. Their hour had arrived.

This time we find that conditions are vastly different. A great change has occurred. The conflagration of Rome had aroused the desire for blood in the city among the populace, while the war in Judea had fanned the spirit of racial hatred against the Jews. In his first imprisonment Paul had enjoyed "his own hired house." This time he is no doubt committed to the dismal, ancient, Mamertine Prison (2 Tim. 1:16). Both a Jew and a Christian, he was to reap the hatred of the Roman for all those who racially refused to be incorporated or welded into the Empire. The new sect, moreover, the Christians, were now considered a public menace. The wholesale persecutions and slaughter of Christians by Nero since the burning of the city had aroused the most brutal passions of the idle, restless rabble. The gladiatorial exhibitions no longer entertained; only the torture of men and women by being thrown to wild, starved beasts, or their burning as candles to illuminate these hideous pastimes, could satiate the vile lust of both a depraved Emperor and a degenerate mob.

The Apostle not only found himself in confinement in the Mamertine jail, but without friends. Those Christians who had not suffered martyrdom had fled the cesspool of iniquity. Titus was now in Dalmatia (2 Tim. 4:10), Pris-

cilla and Aquila in Asia with Timothy (2 Tim. 4:19), Tychicus in Ephesus (2 Tim. 4:12), while Crescens had gone to Galatia (2 Tim. 4:10). "Only Luke is with me," writes Paul (2 Tim. 4:11). Our admiration goes out to Luke. In the hour of doom he stood close to his companion. Imprisoned in the dungeon of the first prison constructed in the ancient city, the great man soon realized the end was near at hand.

In a few days he was led once again before a court of the Empire.

First Count

From the Second Epistle to Timothy, Paul makes it perfectly clear that he was tried in this instance on two separate counts at different times. Therefore he appeared for trial twice under the one indictment, and each appearance may be properly considered a trial. The fact is that Paul had three trials in Rome rather than two, but this should not be confused with the two-trial theory discussed above, for the reason that the last two trials occurred consecutively and under the one indictment. The two counts charged consisted of, first, complicity with the incendiaries, and, secondly, treason. Upon the first count he was acquitted. That he was not even in the city at the time of the burning must have proven to be too great an obstacle for his enemies to overcome. All alone he offers his defense. Of this trial he writes, "At my first defence no one took my part, but all forsook me; . . . But the Lord stood by me, and strengthened me; . . . and I was delivered out of the mouth of the lion" (2 Tim. 4:16, 17).

Second Count
(Third Trial at Rome)

On the second count of treason the outcome was to be far different. While his friends, excepting Luke, had departed, his enemies thronged about him. Alexander, the coppersmith of Ephesus, was still seeking revenge—for he had done Paul much evil (2 Tim. 4:14). The entire atmosphere was changed from that of justice to one of religious and social hatred. The passions of men had been let loose. Here was the ringleader of the despised Christian sect—a treasonable group to the nation. From Jerusalem to Rome they had disturbed the life of the Empire in every city and village they chanced to pass through or reside in. As noted in a former chapter, the time was soon to come when a mere acknowledgment of the name Christian meant a summary sentence of death. There was no way of escape for Paul under such circumstances, and he knew it. In this situation he wrote, "I am already being offered, and the time of my departure is come. I have fought the good fight, I have finished the course, I have kept the faith: henceforth there is laid up for me the crown of righteousness, which the Lord, the righteous judge, shall give me at that day" (2 Tim. 4:6, 7). Heroically he faced the court. The zero hour of doom was upon him as he heard the pronouncement of the decision, "Guilty" (*condemno*), and the sentence of death. Bound with chains he was hurried once again to his lonely cell.

With the rising of the sun across the eastern hills of the city of ancient glory, the hour of martyrdom for Paul had arrived. The hour-glass of life was running low. With a rap on the cell door by the executioner, we may

picture this great soul as he rises from his cot to go forth. His white hair flows from his shoulders, garmented in a worn cloak. His countenance is majestic, and radiant with a sublime expression. The time of his departure is at hand. Courageously he faces death. Paul gloried in the cross (Gal. 6:14), but he was to be saved such a cruel death, by virtue of his citizenship.

It was in the early part of the June prior to the death of Nero that the execution took place. We see the soldiers emerge through the city gates, leading their prisoner to his doom. The brilliance of the sun glistened on their armor, that was indicative of the iron rule of a military civilization. No crowd paused to observe their passing. A condemned criminal being led to his execution attracted very little attention at Rome in the days of Nero. Merchants, soldiers, sailors, priests, government officials, adventurers from the East, men and women busily engaged, in a world of lust and strife, passed by along the crowded Ostian Road that morning.

From the imperial city of earth the soul of the greatest mind of that day was moving forward in triumphant glory to the eternal city of heaven. Presently the party halted. The blood-stained block was set down near the sepulchral pyramid. The white hair of the apostle kissed the executioner's instrument. With the flash of a sword in the brilliancy of the morning sun the soul of the immortal crusader was ushered into the presence of the Divine Judge to receive a crown of righteousness for a loyal ambassadorship to the human race.

"If any man will come after me, let him deny himself, and take up his cross, and follow me. For whosoever will save his life shall lose it: and whosoever will lose his life for my sake shall find it" (Matt. 16:24, 25).

X

THE JUDGMENT BAR OF MANKIND

THE JUDGMENT BAR OF MANKIND

Across the fields of human history we gaze upon the personality of Paul—like a gigantic Alpine peak—towering in all its beauty and strength, pointing the soul of man to the eternal heavens.

Two thousand years have passed since that morning of martyrdom on the road to Ostia. Paul had been condemned and sent to his death as a criminal of society, adjudged as unfit to live. Decreed unworthy before the bar of the Græco-Roman world, the question presents itself, What has been the verdict before the judgment-bar of the centuries? Have subsequent generations endorsed the judgment of the world of A. D. 68, or has posterity reversed the judgment of the Roman court, and placed his name high in the annals of all time?

To ponder the question is but to answer it. In the case of Paul history has, as in so many instances, completely reversed the judgment of the past, acknowledging the Apostle as one of the greatest men that ever graced this earth, from the beginning of human history to the present day. With the passing of the centuries his star shines brighter and brighter in the constellation of the immortals. His genius eclipses the keenest minds of the race. Aristotle, Plato and Kant are hidden in his shadow. The strength of his thinking has been responsible for the molding of a new civilization. This mind in its consecration to the Lord Jesus Christ became a veritable lamp in the hand of the Master illuminating the soul of mankind with divine truth; for the greatness of Paul is to be

found in the fact that he was an instrument of God's for the establishment of a new order in the world.

The debt that Christianity owes to Paul can never be adequately estimated. Rejected by those he would serve, he has become one of the corner-stones of a new social order. Out of his thought has come a new church, the Christian church of a modern world. Christianity has seen fit to recognize his writings as inspired of God, and they have become a part of the sacred Bible, the word of God to man. His teachings, known as Paulinism, have molded the theology of this church. His mighty mind as a divine compass still directs the course of Christendom upon the high seas of human experience as the multitudes of earth move onward toward the eternal harbor.

His teaching has not only given to men a new church but has brought to the race the new scientific day of the twentieth century. Paul's watchword was *soul liberty.* Obedient to his Master, he proclaimed the emancipation of the spirit of man: "For *freedom* did Christ set us free: stand fast therefore, and be not entangled again in a yoke of bondage" (Gal. 5:1, R. V.), was his declaration. "Stand fast therefore in the *liberty* wherewith Christ hath made us free, and be not entangled again with the yoke of bondage" (A. V.). In perfect harmony with his pronouncement, "The just shall live by *faith*" (Gal. 3:11)—which was the burden of his message to Greek, Roman and Jew—these two principles have brought to mankind a new birth of liberty, a new civilization.

Herein is to be found the genius of the great Reformation and the dynamic of a new democratic scientific age for the race. With the emancipation of the soul from the bondage of an ancient ecclesiasticism the spirit of man began to grow to a full realization of its intellectual, moral

and spiritual power. Learning was inevitable; ignorance, superstition and illiteracy were banished before the light of divine truth. When men had accomplished spiritual freedom with a free conscience before God then did this spirit of liberty begin to find expression in the realm of the political.

Political liberty, as known to a modern democratic Christianity, finds its genius in a *free conscience* before God. Such instruments of government as the Magna Charta of 1215, the Petition of Rights of 1628, the Habeas Corpus Act of 1679, the Bill of Rights of 1689, the Act of Settlement of 1701, the Declaration of Independence of 1776 and the Constitution of the United States of 1787, which mark the growth of English political liberty, are but expressions of an emancipated spirit realizing its life in the political realm of activity. A soul that worships God in freedom, finding him through the divine power of faith, must govern its temporal affairs. Democracy is but the logical and unavoidable outcome of a race of men justified by faith before the Almighty. It is in Paul's declaration of divine truth that we find the basis of all that we religiously and politically hold precious. The Empire of Rome was a kingdom of the sword and of death; the commonwealths of the Christian age are nations of liberty and life. Cæsar declared in the Roman Senate, "All is death"; Jesus proclaimed to the race, "I am come that they might have life, and . . . have it more abundantly." It was this gospel of life that the apostle proclaimed by voice and by pen. Not only did he declare it in a day of despotism, aristocracy, slavery and bloodshed, but he died for it.

Paul's conception of the gospel was a world vision. It was for Roman, Greek, Jew, the multitudes of the

earth. It was the truth of God and it set the world free. With the establishing of a free political system and the rapid development of learning, the scientific day in which we live, born of the *free spirit of Christianity,* was a matter of course. The inventions of the printing-press, steam-engine, steamboat, cotton-gin, sewing-machine, harvester, modern implements of manufacture, telegraph, telephone, automobile, wireless, radio, airplane, television, and innumerable other appliances of usefulness to modern society are the direct result of a civilization fused and motivated by the Christian spirit of liberty, finding its expression in the spiritual, political, scientific, educational and economic spheres of human phenomena. No such age has dawned for China, India, or the lands of the Orient. Bound in superstition, idolatry, slavery, ignorance and ecclesiasticism, they live in the pagan centuries of the past. No Paul took the gospel of light to Calcutta or Peiping in the first century; no Paul gave to them the possibility of a new life and a new civilization, by the grace of a loving heavenly Father.

Before the judgment-bar of mankind the verdict of "Blessed" is pronounced on him by every soul. This man becomes to the race a *Saint* of God and Christ. As long as the Christian shall behold the dawn and the twilight, as long as the stars shall shine in their glory, as long as Christendom shall endure, this man shall be honored and exalted in the hearts of men.

"Saint Paul" stands before the judgment-bar of mankind, pronounced servant of God, benefactor of the race.

Remember Jesus Christ!

Second Timothy 2:8.

BIBLIOGRAPHY

BIBLIOGRAPHY

Arnold, W. T., *Roman Provincial Administration.*

Ball, W. E., *St. Paul and the Roman Law.*

Bible, The King James and American Revised.

Bisek, A. C., *The Trial of Jesus Christ.*

Britannica, Encyclopedia, reference in general.

Broderick, *Trial of Jesus.*

Bryce, James, *Studies in History and Jurisprudence.*

Buss, Rev. S., *The Trial of Jesus, Roman Law and History in the New Testament.*

Chandler, W. M., *The Trial of Jesus.*

Colquhoon, *Roman Civil Law.*

Conybeare and Howson, *The Life and Epistles of St. Paul.*

Corpus Juris, *Insurrection.*

De Land, C. E., *The Mistrials of Jesus.*

Farrar, F. W., *Life of St. Paul.*

Forbes, S. Russell, *Footsteps of St. Paul.*

Gibbon, Edward, *The Decline and Fall of the Roman Empire.*

Gould, S. Baring, *The Tragedy of the Cæsars.*

Greenidge, A. H. J., *The Legal Procedure of Cicero's Time.*

Hardy, E. A., *Christianity and the Roman Government.*

Husband, *The Trial of Jesus.*

Innes, Taylor, *The Trial of Jesus.*

Josephus, Flavius, *Antiquities of the Jews.*

Knox, W. L., *St. Paul and the Church of Jerusalem.*

Mackenzie, *Roman Law.*

Mathews, B., *Paul the Dauntless.*

McGiffert, A. C., *The Apostolic Age.*

Ramsay, W. M., *St. Paul, the Traveler and Roman Citizen, The Cities of St. Paul, The Church in the Roman Empire.*

Robertson, A. T., *The Trial of Jesus.*

Rosadi, Givonni, *The Trial of Jesus.*

Scott, J. B., *Cases on International Law.*

Stalker, James, *Life of St. Paul.*

Standard History of the World, reference.

Suetonius, translation by P. Holland, *History of Twelve Cæsars.*

Tacitus, translation by G. G. Ramsay, *Annals of History.*

Wigmore, *Roman Legal System.*

Princeton Theological Seminary Libraries
1 1012 01252 2647